INDEX

TO THE

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TRAVANCORE

LEGISLATIVE COUNCIL

PROCEEDINGS

VOL. IV.

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TRAVANCORE LEGISLATIVE COUNCIL.

President.

DEWAN BAHADUR T. RAGHAVIAH PANTULU GARU, B. A.
Dewan of Travancore.

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1. Mr. S. Adam Sait. [*Commerce and Industries* (South).]
2. Mr. I. C. Chacko, B. A., B. Sc. [*Director of Industries.*]
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5. Mr. Paul V. Daniel, B. A., B. L. [*Agastisvaram* (General Rural).]
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10. Mr. M. K. Khadir Pillai. [*Nominated.*]
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32. Mr. Joseph Panjikaran, B. A., B. L. [*Shertallai* (General Rural).]
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34. M. R. Ry. Changanachery K. Paramesvaran Pillai Avargal B. A., B. L. [*Tiruvalla* (General Rural).]
35. M. R. Ry. G. Paramesvaran Pillai Avargal, B. A., B. L. [*Neyyattinkara* (General Rural).]
36. M. R. Ry. P. Paramesvaran Avargal. [*Nominated.*]
37. Mr. W. H. Pitt. [*Commissioner of Police.*]
38. M. R. Ry. K. C. Raja Raja Varma Avargal, B. A., B. L. [*Edavagai* (Edavagai and Political Pensioners).]
39. M. R. Ry. M. Raja Raja Varma Avergal M. A, B. L. [*Devaswom Commissioner.*]
40. M. R. Ry. N Ramakrishna Pillai Avargal, B. A., B. L. [*Vaikam* cum *Ettumanur* (General Rural).]
41. M. R. Ry. C. Ramankunju Avargal. [*Nominated.*]
42. Vacant [*Quilon* (General Rural).]
43. M. R. Ry. Rao Bahadur K. V. Rangaswami Aiyangar Avargal, M. A. [*Professor of History and Economics, H. H. the Maha Raja's College.*]

44. Mr S. C. H. Robinson [*Land Revenue and Income-tax Commissioner.*]

45 M. R. Ry. V. Subba Aiyar Avargal, B. A., B. L. [*Additional Head Sirkar Vakil.*]

46. M. R. Ry. S. Subrahmanya Karayalar Avargal, B. A. [*Pattanapuram* cum *Shencottah* (General Rural).]

47. Mr. K. Dominic Tomman. [*Peermade* cum *Devicolam* (General Rural).]

48. Mr. A. J. Van Ross. [*Excise Commissioner.*]

49. M. R. Ry. Trivikramar Vasudevar Avargal. [*Jenmies.*]

50. M. R. Ry. T. K. Velu Pillai Avargal, B. A., B. L. [*Trivandrum* cum *Nedumangad* (General Rural).]

Co-opted Members.

1. M. R. Ry. M. Govindan Avargal, B. A., B. L., [*Second Judge, Trivandrum.*] (For the purposes of the Travancore Ezhava Bill.)

2. M. R. Ry. M. Subrahmanya Pillai Avargal. (For the purposes of the Nanjanad Vellala Bill).

3. M. R. Ry. M. Udaya Varma Raja Avargal, B. A. (For the purposes of the Nair Regulation Amendment Bill.)

4. M. R. Ry. A. Raja Raja Varma Koil Tampuran Avargal (For the purposes of the Nair Regulation Amendment Bill.

TRAVANCORE
LEGISLATIVE COUNCIL
PROCEEDINGS.

(*OFFICIAL REPORT.*)

VOLUME IV.

FIRST SESSION, 1099.

TRAVANCORE LEGISLATIVE COUNCIL.

Monday, 29th October, 1923.

The Council assembled in the Victoria Jubilee Town Hall, Trivandrum, at Eleven Thirty-five of the Clock. The President was in the Chair.

NEW MEMBERS.

The following new members were sworn in under Rule 20 of the Legislative Council Electoral Rules :—

1. M. R. Ry. M. Raja Raja Varma Avargal, M. A., B. L. (*Devaswom Commissioner*) ; and
2. M. R. Ry. R. Nilakanda Pillai Avargal, B. A., B. L. (*Ag. Financial Secretary to Government*).

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat

G. P. T. 1109. 310. 16-11-23.

[Mr. S. Paramesvara Aiyar.]

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Translation of Vernacular Newspapers.

1. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (*a*) Do the Government arrange for extracts from vernacular newspapers being translated?

(*b*) If so, do they get extracts from the *Vidushakan* and the *Tamasha* translated?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Yes.
(*b*) Yes.

Extension of Service.

2. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Do the Government propose to grant any further extension of service to the Government Photographer and the Curator in charge of the Department for the Preservation of Oriental Literature who have already secured the largest number of extensions, *viz.*, ten and eight years respectively?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The present incumbent of the office of Government Photographer is a young man appointed on the 21st Mithunam, 1096. (*Vide* page 193 of the latest Civil List.) No question of extension of service, therefore, arises in his case. The Curator in the Department for the Preservation of Oriental Literature has been given another year's extension.

Department for the Preservation of Oriental Literature.

3. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (*a*) Will the Government be pleased to state how they propose to spend the sum of Rs. 1,000 budgeted for the publication of Malayalam and Tamil manuscripts in the Department for the Preservation of Oriental Literature, where there is no one who is either a Malayalam scholar or a Tamil scholar?

(*b*) Do the Government contemplate appointing a Malayalam-knowing pandit in the department?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) It is proposed to distribute this amount in the shape of remuneration to private scholars who may be entrusted with the work of editing vernacular manuscripts. There are in the department pandits conversant either with Malayalam or with Tamil, but not with both; but the Curator reports that they cannot be entrusted with the work of preparing vernacular manuscripts for the press, as they are fully engaged with the publication of Sanskrit manuscripts.

(b) The question of appointing one more Malayalam-knowing pandit will be considered when a suitable vacancy arises.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): May I know the name of the Malayalam-knowing pandits?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): This question was answered in reply to a question put forward by the member himself at the session of the Council dated 22nd November, 1922 [*vide* question No. 39 *b*.]

Acting Clerks and Copyists in Revenue Offices.

4. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(a) the action taken by them in the case of those copyists and clerks who had acting service in the revenue offices of the State for periods ranging from two to five or six years and who were disbanded at the time of the reorganisation of the Revenue Department;

(b) whether they have issued any instructions to the heads of offices in the Revenue Department to the effect that, after providing for all the permanent copyists and clerks declared supernumeraries at the recent reorganisation of the department, they should provide for the copyists and clerks who had acting service at the time of the said reorganisation;

(c) whether, if such instructions have been issued, they have any information as to the extent to which such instructions have been carried out by the heads of offices in the Revenue Department; and

(d) whether they will furnish this House with a castewar list of the copyists and clerks appointed in the several revenue offices of the Kottayam Division since the reorganisation, noting the number of those who were declared supernumeraries at the time of the reorganisation or had put in acting service at that time?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) Government have issued a circular that, in filling up vacancies, permanent and temporary, that arise after the supernumerary hands are fully provided for, all heads of departments and offices should give preference—each in his own department—to the *sub. pro tem.* and acting men who were thrown out of employment as the result of the adjustment of supernumeraries in existing permanent vacancies, provided that they are qualified under the Public Service Notification.

(b) Government have not issued any such separate instructions; but the Land Revenue Commissioner has issued such an order to the officers under him.

(c) The answer is in the negative.

(d) A castewar list has been called for and it will be laid on the table when received.

Rules for the Erection of Educational Buildings.

5. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

[Mr. A. Hoogewerf.]

(a) whether they are aware that the rules regulating the construction of school buildings are not in accordance with those in force in the advanced countries of the West; and

(b) whether, in view of the above fact, they would appoint a small committee to revise those rules in accordance with the needs and requirements of this country?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) They are aware that there are some differences in the rules due to difference in conditions.

(b) In the opinion of the Government, the existing rules are not unsuited to the requirements of the country and there is no need for the appointment of a committee to revise the rules.

Smuggling through the Arukutty Chowkey.

6. MR. M. N. PILLAI (*Trivandrum*): (a) Will the Government be pleased to state:

(1) whether it is a fact that a consignment of about 40 casks of cocoanut oil valued at Rs. 15,000, which was attempted to be smuggled through the Arukutty chowkey, was seized by the Inspector and that the Excise Commissioner ordered the immediate release of the same;

(2) whether the alleged action of the Excise Commissioner was in accordance with the Customs Regulation;

(3) whether any enquiry was held, and, if so, with what result;

(4) what the nature of the enquiry was and who held it;

(5) how the case was finally decided; and

(6) whether any fine was imposed, and, if so, whether it has been recovered?

(b) Will the Government be pleased to place the papers connected with the above case on the table?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A report on the subject has been received from the Excise Commissioner and it is under the consideration of Government.

Smuggling of Oil.

7. MR. A. HOOGEWERF (*Nominated*): (a) Is it a fact that a large consignment of oil was seized at the Arukutty chowkey recently, that the Assistant Commissioner drew up a *mahazar*, and that, before the report reached the Excise Commissioner, the latter ordered the release of the consignment?

(b) If so, did the Excise Commissioner act in conformity with the Regulation in having ordered the release?

(c) Does not the Regulation, as it stands, require that the whole consignment should be confiscated and the party charged before a Magistrate?

(d) What was the total value of the consignment and was not this amount lost to Government by the order of release?

(e) Is it a fact that, on making enquiries at Alleppey, it has been brought to light that oil has been systematically smuggled by a certain firm, during the last two years, by which Government have suffered very great loss?

(f) If the above is true, what action have the Government taken on these matters?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to the answer to question No. 6.

State Life Insurance.

8. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to consider the desirability of making the State Life Insurance compulsory for Government employees?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): The State Life Insurance Scheme was first introduced in the year 1073. It was optional in the case of all Government servants who entered the State service prior to the 1st Makaram, 1073, and compulsory in the case of all Government servants who entered the pensionable service in the State after that date, provided that the age of the officer did not exceed 45 years or his monthly salary was not below Rs. 10. As several representations were received through the heads of departments stating that compulsory insurance worked real hardship on low-paid servants, Government had to revise their order in 1084 and make the scheme optional. The G. O. declaring insurance optional is published in the Government *Almanac and Directory* as a preface to the rules. Government do not therefore propose to make it compulsory again.

Arayalam Payment of Kist.

9. MR. N. PADMANABHA PILLAI (*Karunagapalli*): (a) Will the Government be pleased to state whether they are aware that the months of Tulam and Vrischikam fixed for the *arayalam* payment of kist are unsuited to the tax-payers, and particularly to those of the Onattukara region?

(b) Are the Government aware that the amounts payable during these months are mostly realised only in Makaram?

(c) Will the Government be pleased to fix Dhanu and Makaram for the above purpose?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) to (c) On receipt of the same interpellation from the member prior to the session of the Council in Karkadakam, 1098, the question of

[Mr. R. Krishna Pillai.]

changing the kist months as suggested was referred to the several Peishkars for their views. Their replies have not come in yet. The matter will be considered and disposed of on receipt of their reports.

Irrigational Facilities and Sastankottah Fresh Water Lake.

10. MR. N. PADMANABHA PILLAI (*Karunagapalli*):

(*a*) Will the Government be pleased to state at what stage the preliminary investigation ordered by them regarding the feasibility of utilising the water of the Sastankottah fresh water lake for irrigational purposes now stands?

(*b*) Has the Public Works Department sent its report in the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The preliminary investigation has been completed.

(*b*) A preliminary report has been received from the Chief Engineer from which it is seen that the scheme is not promising. Before making, however, a final report to Government, Mr. Natesa Aiyar considers it desirable to have the levels verified carefully and this has been arranged for.

Means of Communication in the Karunagapalli Taluk.

11. MR. N. PADMANABHA PILLAI (*Karunagapalli*):

(*a*) Will the Government be pleased to state what they have done to improve the means of communication in the Karunagapalli taluk in pursuance of their reply to the representations made on the subject by the member representing that taluk at the eighteenth session of the Sri Mulam Popular Assembly?

(*b*) Will they be pleased to see that the following public ways are also converted into cartable roads at an early date:

(i) from Ayiramtengu to Tamarakkulam *via* Ochira;

(ii) from Vallikkavu to Todiyil;

(iii) from Krishnapuram due west to the shore of the Kayankulam backwater; and

(iv) from Kannetti due west to the backwater?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government are doing everything possible to improve the means of communication in the Karunagapalli taluk. The main road system in the taluk has to be completed first and Government are at it now. A provision of Rs. 19,000 has been made in the P. W. D. budget for 1099 on account of communications in the taluk (*vide* items 192 to 196). The improvement of the main road from Karunagapalli to Kamankulangara has been practically completed and that of the road

from Karunagapalli to Sastankottah is in progress. It has not been possible to provide for the improvement of the local cross-roads in the budget for 1099.

(*b*) (i) The Chief Engineer says that the portion of the road from Tamarakkulam to Ochira is in good condition. The improvement of the other portions is estimated to cost Rs. 56,000 and is being investigated.

(ii) An estimate is being prepared for this road.

(iii) & (iv) The Chief Engineer has called for a report from the Divisional Officer in regard to these roads.

Kannetti Bridge in the Karunagapalli Taluk.

12. MR. N. PADMANABHA PILLAI (*Karunagapalli*):

(*a*) Will the Government be pleased to state whether they are aware of the dangerous condition of the Kannetti bridge in the Karunagapalli taluk?

(*b*) Will they be pleased to see that the bridge is repaired this year itself?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes, if possible.

PRESIDENT: The following gentlemen were elected, on the 14th August, 1923, by the non-official members of the Legislative Council as members of the Standing Finance Committee and as members of the Economic Development Board, respectively:—

MEMBERS OF THE STANDING FINANCE COMMITTEE.

1. Mr. T. K. Velu Pillai, B. A., B. L.
2. Mr. G. Paramesvaran Pillai, B. A., B. L.
3. Mr. K. Paramesvaran Pillai, B. A., B. L.

MEMBERS OF THE ECONOMIC DEVELOPMENT BOARD.

1. Mr. M. K. Khadir Pillai.
2. Mr. M. N. Nair, B. A.
3. Mr. T. K. Velu Pillai, B. A., B. L.
4. Mr. K. C. Eappen, B. A.

LATE MR. K. P. RAMAN PILLAI.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Mr. President, before we enter upon the business of the day, will you kindly permit me to bring to the formal notice of the Council the death of Mr. K. P. Raman Pillai, a member of this Council, immediately after the termination of the last budget session? I believe

[Mr. R. Dhanukoti Pillai.]

we owe a duty to the deceased member. During the short period that the present Council has been in existence, he afforded ample evidence of his undoubted intelligence, business capacity, enthusiasm and energy which have been of great help to the Council. There have been occasions when there were honest differences of opinion between himself and other members of the Council; but I felt all along that these differences were not necessarily differences arising from temperament, but from a difference in the standpoints from which he approached important questions that came up for consideration before the Council. I feel—and I have no doubt that several of my friends in this House do feel—that his death has left behind a void which would not be easily filled up. I feel we owe a melancholy duty to ourselves, and it is due to the deceased that the House should record its appreciation of the good work done by Mr. K. P. Raman Pillai as member of this Council and its sense of the loss at his premature death.

MR. A. HOOGEWERF (*Nominated*): Sir, I beg to second the motion. This is the first time when death has snatched away one of our brother members of this Council. I do not think any words are necessary to give this House an idea of the splendid work done by Mr. K. P. Raman Pillai in our midst. I think Mr. Krishna Aiyangar is voicing the grief of the country and this Council at the loss which they have suffered on account of the death of Mr. K. P. Raman Pillai.

PRESIDENT: Gentlemen, I fully associate myself with the sentiments expressed by the Deputy President and by Mr. Hoogewerf in regard to the very severe loss sustained by this Council by the unfortunate and untimely death of one of its most useful and talented members, *viz.*, Mr. K. P. Raman Pillai. It would, as remarked by the previous speakers, be very difficult to fill his place adequately. What is left to us mortals is to pray that his soul may rest in peace.

I will now call upon the members to pass a vote of condolence standing.

The motion was carried, all the members standing.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND IV—FOREST.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Sir, I rise to move that a grant not exceeding Rs. 525 be sanctioned by transfer from Demand XX—P. W. D. to Demand IV—Forest. This transfer has been necessitated by the Forest Department undertaking the maintenance of the State boundaries from Kumili to Tevaram, for a distance of about 35 miles. Till last year, this portion of the boundary used to be maintained by the Public Works Department. But it was found that the amount was inadequate, that the labourers had to be recruited from British parts, and that the work was not properly done by the workmen. Our hillmen are practically having no work and they can with advantage

be utilised for this work. Hence the demand for the transfer of the amount from the P. W. D. to the Forest budget.

PRESIDENT: May I take it that the House sanctions the supplementary demand?

The grant was made.

DEMAND IX—ADMINISTRATION OF JUSTICE.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move for a grant not exceeding Rs. 72 under Demand IX—Administration of Justice. This has been necessitated by the appointment of an additional peon, as the Pleadership class has been separated from the B. L. and F. L. classes. The amount is proposed to be diverted from the head of contingencies allotted to the Law College, and therefore no separate provision by the Council is necessary. The proposal is to divert, from the sanctioned allotment under contingencies, Rs. 72 for the appointment of a peon for 8 months, *i. e.*, from the 1st Vrischikam, 1099, up to the end of the year.

PRESIDENT: I take it that the House sanctions the demand.

The grant was made.

DEMAND XII—EDUCATION.

MR. L. C. HODGSON (*Director of Public Instruction*): I move for a grant not exceeding Rs. 163 under Demand XII—Education, for the appointment of a clerk on Rs. 25 per mensem in the office of the Inspector of English Schools temporarily for six and a half months from the 15th Tulam, 1099. As I said before in this Council, the work of the Inspector of English Schools and of his office is very great indeed and has increased very largely in recent years, keeping pace with the very large demand for English education that we are all of us acquainted with now. In addition to the general increase of work in the office of the Inspector of English Schools, there is now a large volume of work newly thrown upon that office by the fee concessions that were granted to the depressed and the backward classes. There are now as many as 155 private schools which, according to the Government Order, have to be re-imbursed to a certain extent for the fees that may be lost owing to these concessions; and it is very necessary that the fee income of, and the grants to, these schools should be very carefully checked before the amount is actually paid to them. It will be necessary to maintain additional registers to check the returns received both monthly and quarterly from the schools and it is impossible to do that with the existing staff. I may be permitted to say that I myself asked for two clerks, one on account of the increase of work in the general staff and another for this special work. But the inexorable shears of the Finance Committee or the Government lopped off one of these and have reduced the other to the condition of a temporary clerk. So that, when I ask you now to sanction the appointment of one temporary clerk on Rs. 25 per mensem, for six and a half months, I am asking for something

[President.]

less than what I really want. I trust the Council will be pleased to sanction the demand.

PRESIDENT: May I take it that the Council sanctions the demand?

The grant was made.

DEMAND XIV—INDUSTRIES.

MR. I. C. CHACKO (*Director of Industries*): Sir, I beg to move for a grant not exceeding Rs. 1,400 under Demand XIV—Industries. This demand consists of two items. A sum of Rs. 200 is for the appointment of a Drawing Master on Rs. 25-5/2-40 in the S. M. R. V. Technical Institute, Nagercoil. The syllabus of that school has recently been revised and this appointment has become necessary. This Drawing Master will also be in charge of the warping and sizing machine which has been bought for that institution. The other item refers to the rent of the building in which the Government School of Commerce is held at Alleppey. At the time the budget for 1099 was framed, it was thought that the school could be transferred to a Government building in the old Jail at Alleppey. But subsequently the Chief Engineer reported that the Jail building would not be fit for holding the Commercial School until after some repairs were made and that these repairs would take some time. So, the rent for the private building in which the school is held will have to be paid this year also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know the time that may be required for making the repairs that the Chief Engineer proposes?

MR. I. C. CHACKO (*Director of Industries*): He says he wants one year.

PRESIDENT: I take it that the Council sanctions the demand.

The grant was made.

DEMAND XX—PUBLIC WORKS DEPARTMENT.

MR. K. V. NATESA AIYAR (*Chief Engineer*): I beg to move for a grant not exceeding Rs. 5,740 under Demand XXX—P. W. D. This is on account of the proposed transfer of the work of conversion of lands in the Paddy Farm, Tiruppatisaram, Nagercoil, from the Agricultural to the Public Works Department, the amount required for the purpose being met by diversion from Demand XIII—Agriculture and Fisheries to Demand XX—P. W. D.

PRESIDENT: I take it that the Council sanctions this demand also.

The grant was made.

THE LAND ACQUISITION REGULATION AMENDMENT BILL.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Land Acquisition Regulation Amendment Bill be taken up for final reading and passed.

Mr R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I beg to second the motion.

PRESIDENT: May I take it that the motion is carried?

The motion was carried.

THE REFORMATORY SCHOOLS BILL.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Reformatories Regulation Amendment Bill. At the time the Bill was introduced, Mr. Madhava Variar suggested that the juvenile offenders should not be tried along with other criminals. The Select Committee considered the question and have made an amendment to the effect that, except in cases where a youthful offender has to be tried along with other criminals in the same case, such offender may be tried on different dates or at different times by a Magistrate. It is also open to the Government to constitute juvenile courts if they think fit to do so. In the absence of such courts, the magistrates will, as far as possible, try youthful offenders on separate days or separate hours not allotted to the trial of ordinary criminals. This important modification has been made. The other amendments are purely verbal, and I beg to move that the Bill be taken into consideration now.

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the motion.

PRESIDENT: I take it that the Council accepts the motion.

The motion was carried.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, no notice of any amendment has been received; and, unless the President thinks so, it is not necessary to go into the Bill, clause by clause.

PRESIDENT: There is no notice of any amendment with respect to the Bill; and I do not think it therefore necessary to go into the Bill, clause by clause. I take it that the Council accepts the Bill as amended by the Select Committee.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Then I beg to move that the Bill be taken up for final reading on a future day of which notice will be given.

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*): I beg to second the motion.

[Mr. V. Subba Aiyar.]

PRESIDENT: I take it that the Council accepts the motion.
The motion was carried.

THE VILLAGE PANCHAYATS BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to introduce the Village Panchayats Bill. The Bill has been published with the permission of the Dewan; and it is therefore not necessary to move for leave to introduce it. I therefore beg to move that the Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I beg to second the motion.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may now explain the general principles and the scope of the Bill. Everywhere the cry has been that there should be an increased association of the people in the work of administration, and it is with that view that a scheme of local self-government has been started. So far as Travancore is concerned, we have it in the urban areas and that has been in existence for the last twenty-five years. But no attempt has yet been made to introduce it in the rural areas. The urgent necessity for its extension to rural areas will be evident from the following extract from the Government of India's Resolution of 1918 on Local Self-Government:—

"The domain of urban and rural self-government was the great training ground from which political progress and a sense of responsibility have taken their start and it was felt that the time has come to quicken the advance, to accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience."

In accordance with this pronouncement, village panchayats have been established in British India in the various provinces and also in other Indian States. So far as Travancore is concerned, the people here have not been backward. In other words, there has not been any want of agitation in this particular matter. We find that, so early as 1912, Mr. P. Kesava Pillai, the Quilon Member of the Assembly, said:

"There were many things in the village to be attended to, such as the maintenance of village roads, etc. Therefore administrative powers should be given to village panchayats."

In other words, he advocated the constitution of administrative village panchayats.

Later on, in 1914 the Member for Tiruvalla, Ramavarmaru Godavarmaru Koviladhikarikal, said:

"The maintenance of village roads, lanes and water courses, the improvement of agriculture, primary education, village sanitation and hygiene were some of the matters that could be safely entrusted to the Boards".

So we see that he also advocated the same thing. In 1915, we find Mr. A. Govinda Menon suggesting the extension of the sphere of local self-government by the constitution of District, Taluk and Village Boards. He said:

"Additional taxation would be necessary in case those bodies were established; but it would be borne cheerfully by the people, provided the Government were also willing to come to their help with a willing heart and an open hand".

Then again, in 1916, Mr. Parasurama Aiyar, B. A., the member for Kunnattur, urged the formation of village and other boards, to train the people in the ideas of self-government and to make them realise that the interests of the people and of the Government are identical. This would, he urged, lighten the task of administration devolving on the Government and increase the convenience of the people.

In 1918, Mr. Ramakrishna Panikkar of Haripad said:

"The clamour for schools is increasing. There is a good deal of work to be done under agriculture. Under public works and sanitation, much useful work has to be done. It is impossible for the Government to accede to all these requests. It is highly necessary to form village and other boards and also to levy a local cess".

In 1919, Mr. Narayana Panikkar, the member for Tiruvalla, suggested the formation of village boards and the entrusting to them of the agriculture, education, industries, medical aid and means of communication within the limits of their jurisdiction.

In 1920, Mr. Tariatu Kunjitomman submitted that the requirements of the people in the interior of the taluks were not being satisfied, and that the only remedy for removing the grievances of the people in the interior was the constitution of village and taluk boards. He also suggested that panchayat courts should have criminal powers.

From the above, it is clear that there was an insistent demand for the present measure from 1912 to 1920. The Dewan, in his opening address at the seventeenth session of the Sri Mulam Popular Assembly, observed as follows:—

"It is under contemplation to widen the sphere of local self-government, by extending it to rural areas; and with this object, the Additional Head Sirkar Vakil is engaged in drafting a Local Boards Bill. It is the intention of Government to create two sets of local bodies. One will be the Village Administrative Panchayat with specific sources of income and definite powers and responsibilities, such as the maintenance and control of local roads and ferries and the supervision of primary education and local sanitation. The other will be the District Council, representative in its constitution and mainly advisory in regard to its functions. It will be the recognised body for dealing with local needs and for advising District Officers in regard to agricultural, industrial, co-operative and other matters connected with the well-being of the locality served by it."

With a view to give effect to that pronouncement, the present Bill has been drafted, and it was published, I believe, about a year ago. I will now place before the Council the salient features of the Bill itself.

The first chapter of the Bill deals with preliminary matters such as definitions.

The second chapter deals with the constitution of the Village Boards. Government have power to declare any particular revenue village or groups of villages as being a village for the purpose of this Regulation. Each village will contain a Panchayat consisting of not less than five and not more than eleven members. Of these, not less than two-thirds will be elected and the remaining number of members

[Mr. V. Subba Aiyar.]

will be nominated. Each member will hold office for three years. The qualifications for being a member will be that he should have completed twenty-one years of age, that he should not be of unsound mind and that he should reside within the village. Any person who is not under twenty-five years of age can be returned as a member of the Panchayat. The sex disqualification has been removed, and every person, male or female, will be eligible to be returned as a member and can also vote.

The next chapter deals with the functions of the Village Panchayat. It will be found from the extracts that I read from the various representations made in the Sri Mulam Popular Assembly that the members wanted that the Village Panchayat should undertake all the duties with reference to very many matters pertaining to the village itself. With that end in view, certain duties have been declared to be *obligatory* on the Panchayat and certain others have been declared to be *discretionary*. Of course, the classification of the duties into 'obligatory' and 'discretionary' need not be considered to be a hard and fast one. It is open to this House to add to the number of obligatory duties or to reduce their number and add to the number of discretionary duties. The construction, maintenance and repair of communications and drains, the cleaning of streets, the excavation, maintenance and improvement of wells and tanks for the supply of water to the public for drinking and bathing, the construction and maintenance of bathing ghats, the opening and maintenance of burial grounds, the control and management of cattle pounds, and the enforcement of sanitation and vaccination will be the obligatory duties imposed on the Village Panchayat. So far as the discretionary duties are concerned, primary education, the lighting of public places, planting of avenue trees, excavation and maintenance of ponds for animals, improvement of agriculture, prevention of mortality of cattle, and the development of cottage industries form the important discretionary duties of the Village Panchayat.

So far as the address of the Dewan, that I read, is concerned, the idea at that time was to make it a purely administrative Village Panchayat. Subsequently, it was thought desirable that each Village Panchayat should be a self-contained unit in itself and that, if necessary, the Village Panchayats should later on be entrusted with the powers of the Village Panchayat Courts under the Village Panchayat Courts Regulation, Government having the power to make such modifications as may be deemed necessary if the Village Panchayat is found to be incapable of exercising all the powers under the Village Panchayat Courts Regulation. Government may empower them to try cases up to the value of Rs. 100, or, if it is not desirable, Government may entrust them with cases of smaller value. It is open to Government to prescribe by rules the procedure of the Panchayats in such matters. It was also thought desirable to entrust these Panchayats with criminal jurisdiction also, limited to petty offences; for instance, voluntary causing of hurt with or without provocation or assault, theft or mischief in relation to

property not exceeding a value of Rs. 10, and intentional insult with intent to provoke breach of the peace. These offences which are of a trivial nature are proposed to be left to be tried by the Village Panchayats. Government also consider that the Panchayats are competent to try offences under the Cattle Trespass Regulation, *viz.*, forcibly opposing the seizure of cattle or forcibly rescuing the same, and also some of the offences under the Police Regulation if that Regulation is extended to a village.

So far as the power to fine is concerned, it has been limited to Rs. 10 in the case of offences under the Travancore Penal Code, Rs. 5 in the case of offences under the Cattle Trespass Regulation, and Rs. 2 in the case of offences under the Police Regulation. So, the Village Benches are not empowered to impose any heavy fine. They are also under certain restrictions as to the cases to be tried. No European British subject can be tried by them. The conviction by a Village Panchayat will not be regarded as previous conviction for the enhancement of sentence later on. These are the provisions with reference to criminal jurisdiction and sufficient safeguards have been taken to see that there is no miscarriage of justice.

The next and most important portion of the Bill is the constitution of the village fund. It will be conceded by the House that, however much any willing Government may try to administer to the needs of the whole population of the State and to the innumerable villages in the State, it will not be possible to pay the necessary attention throughout the State and that is just what Mr. Kunjitomman referred to in his representation in the Assembly, so much so that, I remember, that he humorously observed once that, as far as possible, the distribution of public funds must begin from the north. Therefore it will be seen that on account of the growing needs of the people it may not be possible to satisfy all the villages. I may assure the House that it is not the object of the Government at all to back out from their responsibility to supply the necessary funds so far as village administration goes. On the other hand, the main object is that whatever money may be granted by the Government, coupled with whatever money the villages may be able to levy, should be spent *in* the villages, *for* the villages and *by* the villages. That is the only object with which the Bill has been introduced. The idea is to constitute village funds and empower the Village Panchayats to levy a small cess. It has not been done with a view to impose fresh burdens on the people; and the only object in providing for it is that there may be an incentive for the people to collect some money, to get the requisite money from the Government and to spend it entirely in the discharge of the various obligatory and discretionary functions mentioned in the Regulation. Therefore, I beg to submit that there should no misunderstanding when it is stated, in one of the clauses of the bill, that the Village Panchayat shall levy a small cess on land with the approval of Government. It is not with a vew to levy any fresh taxes.

MR. JOSEPH PANJIKARAN (*Shertallai*): What portion of the revenue collected —

[Mr. V. Subba Aiyar.]

PRESIDENT: A little louder, please.

MR. JOSEPH PANJIKARAN (*Shertallai*): What portion of the revenue collected by the Government will be given to the Village Panchayats?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I say the contribution is mentioned there. Let me finish. I will come to that. The whole of the land cess collected will be spent by the village and that is just what I was saying. And there will be a contribution from Government. That also will be spent by the village.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know from Mr. Subba Aiyar if there is any provision in the Bill regarding the contribution to be made by the Government.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may assure the House —

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask him if there is any provision in the Bill?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amount has not been specified; but there is a specific provision in the Bill.

PRESIDENT: Clause 45, part (8).

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether my friend is also referring to part 8 of clause 45?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. The House need not be alarmed on account of the fact that it has not been made obligatory on the Government to make contributions. I can assure the House that the Government do not want to divest themselves of their responsibility. There is no such intention on the part of the Government. On the other hand, if the House wants a definite assurance, the necessary provision may be made in the Select Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will Mr. Subba Aiyar give us any idea as to what, according to him, would be a reasonable contribution?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At this stage, I may say that it would be probably an amount equal to that collected by the Panchayat in the shape of land cess. That, I think, fairly, will be the amount that will be contributed by the Government. I beg to submit that that assurance will be quite enough and the amount of the cess to be levied will depend upon the local requirements of each village. No maximum or minimum can be fixed. It may be one cash per rupee or two cash or four cash or eight cash, whatever the Panchayat considers necessary for its due management. That is why I have been pressing the point, *viz.*, that it is not the object of the Government to divest themselves of responsibility. On the other hand, it is the intention and desire of the Government to see that the village collects some money itself and gets an equal amount from the Government, the whole

of it being spent in the village itself, because administration by the village itself would be better done and done cheaper also. It is with that view that these Panchayats are constituted.

Then the other chapter of the Bill is only the miscellaneous chapter containing various clauses on miscellaneous matters.

From what I have said, it is perfectly clear that the object of Government is to start self-government from the very bottom, *viz.*, from the village itself, in other words, to make the village a vital part in the system of government. Therefore, the experiment that is now proposed, I venture to submit, is a very great experiment. It will certainly make the villagers self-reliant and influential and imbued with a high sense of civic responsibility. I believe everybody will endorse the view that, so far as Travancore is concerned, whether in literacy or in public spirit or in political consciousness, it is not behind of any other State or Province in British India; and, therefore, when the Government propose to start local self-government in the rural areas with a view to improve the conditions of such rural areas, I hope that this House will lend its hearty support and enable the Government to pass the measure.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): On principle, Sir, I would welcome every measure contemplated to widen the sphere of local self-government. But I wish to draw the attention of this House to one or two features which I consider to be very important in relation to this Bill. The Dewan has stated, in his address to the Popular Assembly in 1921—and this has been reiterated by Mr. Subba Aiyar, the mover of the Bill—that it is the intention of Government to create two sets of local bodies. One will be the Village Administrative Panchayat and the other the District Council. The District Council will be the recognised body for dealing with local needs and for advising District Officers in regard to agricultural, industrial, co-operative and other matters connected with the well-being of the locality served by it.

The Bill in hand deals only with the first set of local bodies contemplated above, *viz.*, the Village Panchayats. I have not heard anything from my friend in regard to District Councils. It appears to me desirable, nay essential, that the two measures should be taken up together, as otherwise we might miss the advantages arising from the simultaneous handling of two measures whose correlation and interdependence cannot be lost sight of. In fact, the institution of Village Panchayats without some body of the nature of the District Council will retard the successful working of the smaller bodies.

As it is, we have to consider the merits of this measure independent of the second set of local bodies contemplated by Government. In that view, I am clearly of opinion that a less ambitious scheme should satisfy the rural areas at this stage. From the representations made by members of certain municipal councils at the Popular Assembly, it will have

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been noticed that several areas brought under the Municipal Regulation do not deserve to be treated as municipal towns and that they are more rural than urban in character. There have been persistent complaints from some of these municipal bodies that they are asked to impose certain municipal taxes when, as a matter of fact, they can well afford to do without them. They feel that the duties and obligations imposed upon them by the Municipal Regulation are unnecessary encumbrances which they are willing to be relieved of at the earliest opportunity. These sentiments should not, and need not, mislead the Government as being an index on the part of the public as to their willingness to shoulder the responsibility of local self-government. But they are oftentimes the expressions of the unsuitability of particular measures in particular areas.

Now then, the Village Panchayat Regulation will have no application, and rightly too, to municipal areas. In that case, we have to see whether, without revising the municipal limits in certain localities, the contemplated Bill will be productive of the results anticipated by such a measure.

I do not mean to examine *in extenso* the several provisions in the Bill, but I desire to make a few observations regarding the functions of the Village Panchayat and the financial chapter in the Bill.

With regard to the functions, I am of opinion that the allocation of obligatory and discretionary duties made in the bill is altogether unsatisfactory. To import into the Bill provisions similar to those found elsewhere is not to understand the local conditions. To the rural population in our country, such matters as the control and management of cattle pounds, the opening and maintenance of burning and burial grounds, the construction and maintenance of bathing ghats, the excavation, maintenance and improvement of wells and ponds for the supply of water to the public for drinking and bathing are but of secondary importance. The cleaning of streets and enforcement of sanitation and vaccination are good in themselves; but to impose these duties upon the Panchayats at this stage without at the same time ascertaining what functions will thereafter be exercised by the Sanitary Department requires explanation. I have serious doubts as to what can be achieved by a Village Panchayat within the limits of the fund at its disposal in the matter of the construction, maintenance and improvement of communications and drains. I have not been able to understand the full significance of the vague *proviso* that—

"Nothing in the Regulation shall be deemed to impose any duty or confer any power upon the Panchayat with respect to any matter in so far as it is under the direct administrative control of any department of Government."

Again it is unfortunate that matters of primary importance, so far as agriculturists are concerned, are relegated to the category of the discretionary duties of the Panchayat. The control of cattle-stands, grazing

grounds and other communal *poramboles*, the improvement of agriculture and agricultural stock and the prevention of cattle mortality, the promotion and encouragement of cottage industries, and the discharge of the functions of irrigation boards are matters which should attract the foremost attention of these local bodies. In fact, the necessity for these local bodies has been felt, if at all, for the proper and more efficient and satisfactory handling of such matters that vitally affect the rural population of the country.

With regard to the village fund, my objection to the Bill is mainly in regard to its financial chapter. The village fund is constituted chiefly of (1) fees and fines relating to the exercise of the judicial functions of the Panchayat, (2) contribution and assignment of sums given by Government, and (3) village rates levied by way of cess on lands within the village. Now the prospects of realising any decent income out of fees and fines are very gloomy. It is perfectly vague as to what policy or principle they would adopt in this respect from time to time. In regard to the contribution from Government, it is extremely refreshing that the mover of Bill has assured the House that Government do not intend to divest themselves of their responsibility in regard to this matter. Nevertheless, we cannot be satisfied with that assurance. The third and perhaps the only sure method of deriving a revenue is out of cess on lands within the village at such rates as may be prescribed by the Government. The Bill further adds that the Panchayat may impose taxes, rates or fees in addition to the cess on lands.

It has been stated by Mr. Subba Aiyar that the pious intention that has been expressed on behalf of Government amounts merely to this *viz.* that they will be prepared to invest, on account of these local bodies, sum equal to that collected by such bodies by way of cess on lands. This statement, along with the proviso which asks the local bodies to raise any cess at such rates as may be prescribed by Government, does not go further than authorising the Panchayat to impose additional taxation.

It has been noted already that the construction, maintenance and improvement of communications and drains are classified among the obligatory duties of the Village Panchayat and that it will be open to Government to direct the villages concerned to attend to such work as they may deem necessary. The complaints and local grievances now brought to the notice of Government will then be referred back to the Village Panchayat whose primary duty will be to attend to such needs. This would perhaps be most welcome, provided the villages had the wherewithal to carry out such works. But where should they go for funds? They will have to appeal to themselves unless, of course, the contributions from Government supply the need. It is extremely discouraging that the contribution from Government should be measured by the amount that the local bodies are themselves prepared to raise as land cess. As to such contribution—even as to this *small* contribution, as I would call it—there is no guarantee that it will be proportionate to the needs or even that it will continue to be forthcoming. There is no indication

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thereof in the Bill before us. As a result, villages will have at last to fall back mainly on their own resources to supply their own needs. This principle has already been partly applied to municipal bodies. And it might be asked whether there is anything unfair in it. I do not wish to enter into a discussion at this stage on the principle that should guide the central Government in regard to local needs. But I may be permitted to make a few observations on this matter so far as they are relevant to the financial provisions in this Bill. It has been well recognised by the Government, as can be seen from the Dewan's address to the Popular Assembly in 1921, that it would be advisable not to go in for any fresh impost on land. The Village Panchayat Regulation will affect mainly the agriculturists and they already contribute a very decent proportion of the State revenues by way of land revenue. They are further subjected to several other items of indirect taxation. They have to liberally contribute towards the expenditure incurred in connection with minor irrigation. In that view, is it fair that the villagers should further be taxed before they can claim the benefits that would contribute to their material prosperity? In these circumstances, it appears to me essential that the relationship between the central Government and the local bodies in the matter of finance should be clearly defined before any such measure is passed into law. I wish it will be recognised by the Government that land tax, as such, should gradually cease to be a source of national income and that in course of time it should be allowed to be appropriated by local bodies for local needs. So, instead of asking the Village Panchayats to replenish their resources by imposing a fresh cess on lands or other taxes upon the villagers, I should deem it necessary that a decent proportion of the land revenue should be set apart as constituting the normal contribution. Again, Government have declared their intention to extend the scope of their nation-building activities and the Dewan has said that it would not be wise to circumscribe them now. In that case, a large proportion of the revenues now allotted to sanitation and agriculture and industries should also be given to local bodies by way of grants or contributions. Unless the Government are prepared to make distinct provisions for the financial upkeep of the local bodies so as to enable them to undertake and carry out such works, so as to induce the rural population to take a living interest in local affairs, the constitution of such Panchayats will serve more as a pompous advertisement than prove a useful instrument of local self-government.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): When, on a previous occasion, Mr. Subba Aiyar wanted to introduce the Village Panchayat Bill at the fag end of a busy day in a busy session, I observed that it was a contentious measure; and luckily the idea of introducing it in that session was dropped. Subsequently, while engaged in conversation outside this hall, under the hospitable shade of that beautiful tree, I repeated my inteniton of opposing it and asked Mr. Subba Aiyar if he could give me a copy of the *Madras Village*

Panchayat Act upon which the present Bill is modelled. Debate, Sir, has its courtesies and amenities no less than the battle-field and the tournament, and Mr. Subba Aiyar was good enough to give me a copy which I made some use of and returned to him, as he stipulated that, ere the fight began, his weapon should be handed back to him. (*Laughter.*)

The Village Panchayat Regulation, Sir, is, in the circumstances of Travancore, a misnomer. This puts me in mind of what the great satirist, Voltaire, said about the Holy Roman Empire, that it was neither holy, nor Roman, nor an empire. It is well-known that in Travancore there are no villages strictly so called. We have here only a vast expanse of isolated homesteads. My impression has all along been that there are no villages in Travancore except perhaps of a faint character in Nanjanad and perhaps in Shencottah. I looked up the authorities—Elphinstone, Munro, Baden Powell, R. C. Dutt and others—and I also went through certain recent books on the subject, and I have been re-assured that my opinion has not been wrong; because, I find villages are, according to these writers, clusters of houses and the surrounding lands with a legal name and known limits, with a community of interests and a feeling of solidarity. Descriptions of this nature are inapplicable to Travancore where, as I observed before, we find an expanse of isolated households. Villages in Travancore are only revenue villages, and they have been frequently dismembered and recombined to suit the exigencies of revenue administration. They have not very much of common aspirations, and their common aspirations, if any, are merged in the common aspirations of the State. Their activities are very little. Some of these villages are torn by communal and other dissensions when they are not overpowered by inaction and decay. In the *Census Report of 1921*—a document published under the authority of Government—we find that revenue villages or *pakuthies* are defined to be 'artificial units of inconvenient sizes'. An average *pakuthi* is 17·5 square miles and an average *kara* is 1·93 square miles. The authority to be vested in the Government, according to the Bill, to combine two or more villages under the guardianship of a single Board of Panchayatdars, is a virtual admission that our so-called villages are not well-marked units. I do not contend that villages were absolutely unknown to Travancore in all stages of its history. But, even if villages existed, they were deliberately suppressed by the central authority in the progress of our country towards monarchical centralisation.

I may, however, say that the Travancore Government have now realised that local self-government is very necessary not only in towns but also in villages. I am prepared to congratulate the Government on their resolve; but I have got many doubts as to how far it will be useful and profitable to the people of this country. No doubt, the general principles which have been accepted and acted upon by the British Government may give us various hints as to the policy we are to pursue; but differences of local conditions have to be taken into consideration and suitable modifications effected. So that, when I

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have pointed out that there are no villages strictly so called in Travancore, what I meant to suggest was that the Village Panchayat Regulation might not after all be so indispensable for our purposes in Travancore.

The Government desire to pass the Bill into law in order to afford greater facilities to non-officials in the administration of local affairs. But I am obliged to observe that that intention of the Government is greatly circumscribed by the provisions of this Bill. It is conceived and executed with a jealous parsimony. If you mean to give powers, Sir, to the people, you should give them such powers as are worth giving and such as are worth possessing. If you accept the principle of election, if you think that the country is ripe for the right of election to be accorded to the people, you must give full rights, and I cannot see any wisdom in reserving a certain number of Panchayatdars to be appointed by Government. My point is that even the Government are prepared to recognise the peculiar difficulties that have to be met with. There may be so many minorities, so many interests, and so many other difficulties, and perhaps the intention of the Government is to see that nobody suffers even when there are communal and other difficulties, and that no locality should be deprived of the assistance of representatives of particular interests. The Bill proposes to make a compromise between election and nomination. The usual paraphernalia of disabilities are paraded in the present Bill, such as those of dismissed Government servants and debarred Vakils. I take this opportunity, Sir, to say that the number of dismissed Government servants and debarred Vakils in Travancore is so small that I do not think it is necessary to draw pointed attention to their existence in this Bill (*laughter*), when Government themselves will admit that the instances have not been many where dismissed Government servants and debarred Vakils have been elected to popular bodies and their election has had to be declared invalid. While the Village Panchayat Act of Madras has fixed 25 as the qualifying age for a Panchayatdar, the Bill makes an unnecessary and erroneous deviation by reducing the age limit to 21. Of course, that is a minor point.

The provisions relating to the execution of certain works, the entrance to be effected into private buildings, the liability on the part of recalcitrant villagers to magisterial punishment for disobedience of orders issued by Panchayatdars, the elevation of costs to the bad eminence of an arrear of land revenue—these are but a few of the apertures for mischievous interference and occasional vindictiveness. The powers relating to the levy of license fees, cesses, and court fees will add to the burdens of the villagers without conferring upon them any proportionate benefits.

It has been observed by the previous speaker that ultimately it is the cultivator who will have to pay the duties. He has already been paying very much more than he can afford. Sir, the Income-Tax Regulation lays down that a tax may be collected from a person only in

case his earnings amount to Rs. 2,000 or more. But, so far as land tax is concerned, for the simple reason that it is easy of being collected, the Government—not only the Travancore Government, but the Governments of various States—have been looking upon the cultivator as the one source from which they can exact any amount. There is no provision, so far as I am aware, to exempt a man from paying land tax simply because he is not able to make both ends meet. To say that he will ultimately have to pay all these cesses and taxes on the basis of his possessing some lands is not equitable. But the more serious objection is that the Bill proposes to give these Panchayats authority to decide criminal and civil cases of a certain kind.

While moving the resolution on Bench Magistrates, I made certain observations which showed, at any rate, *my* individual want of faith in the proper working of these judicial benches. During the last several months, I have not been able to change my conviction; on the other hand, the information that I have gathered during the period has only gone to strengthen the fears that I had originally entertained. Anyhow, in the case of the villages, the matter is very much more difficult. In towns, we *may* occasionally come across some educated people who are prepared to give their time and energy to the adjudication of cases between other townsmen. But in villages, the number of people who will take interest in such matters is very small. The number of people who are competent to take such interest is very much smaller. There are difficulties of locomotion; there is want of ferry-boats, bridges and good roads. The prominent question is that of distance from one place to another. Coupled with this there are the proverbial difficulties of the agriculturist. He will not be able to leave his land for a considerable portion of the year. To say that, under these circumstances, a Village Panchayat will be able to decide cases, criminal and civil, however trivial they may be, is an argument carrying very little conviction.

The punishment which these Boards are competent to inflict on offenders also stands on a very curious footing. According to the general law, according to the Penal Code, a magistrate of the first class or the second class has got powers to inflict punishments proportionate to the gravity of the offence. A theft, Sir, is a theft whether the property stolen is worth five rupees or fifty-thousand rupees. It may be a habitual offender that commits the theft, so that it is not the value of the property stolen but the act of the accused that is more important. Therefore, I fear that, when these Panchayats are given authority to decide cases of thefts when the property alleged to have been stolen is only ten rupees, it is really disadvantageous to the country, because, for the sake of getting a tribunal close at hand, in order to avoid the expense of going to a distant town where you can find a magistrate, a complainant elects to be satisfied by instituting a complaint in the tribunal, however imbecile and inefficient, which he could find near his own home. The result will be that punishments will lose their deterrent force, so that, in the course of a few years, we shall be creating an atmosphere where crimes will thrive and multiply. I am against inoculating the criminal section of society with the serum of light and ineffective punishment.

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These matters are really serious, and I must repeat once more, for the kind consideration of yourself, Sir, and the members of this Council, that the proposal to constitute village people--some of whom are ignorant, others of whom are so grossly litigious, and still others who are so very indifferent to public affairs--to make them members of a Panchayat and to arm that Panchayat with authority will be going to lengths on which we shall not be able to congratulate ourselves in the future.

The success of local self-government depends on the habit of co-operation. A community of interest is at once the source and the aim of local self-government, and a very high authority says that this is always fostered by common traditions, interests and pursuits, where the individual is consciously subordinated to the public and depends mainly on the moral and intellectual co-efficients of the people. Social structure is an important factor. "Where men are divided by language, or by religion, or by caste distinctions grounded on race or on occupation, there are grounds for mutual distrust and animosity which make it hard for them to act together or for each section to recognise equal rights in the other." In our country, local and national problems very often descend to the narrow limits of caste and community. Nominations to appointments, elections to the Legislative Council and to the Municipal Councils—all these are, to a considerable extent based on, and to that extent vitiated by, considerations of caste and community. I am not unaware of the circumstance that there is in our country a number of generous-minded gentlemen who may not see eye to eye with me in these matters. But I am in a position to say, if they entertain any doubts, that my statement is supported by the history of Travancore during the last 15 or 20 years; and I am prepared to give specific instances where people have been overwhelmed in the discharge of their duty by communal and caste interests. The large percentage of people who attended the polls in the last Legislative Council elections, a circumstance which has elicited the warm and well-meant admiration of Government, is, I am sure, due not merely to a political consciousness but also to a recognition of caste and sectarian duty. The nominations to seats in the Municipal Councils and the Panchayat Courts are made on the principle of caste and religion. The number of sectarian or communal subjects brought up before the Sri Mulam Popular Assembly and this Council cannot fail to show the direction of the current of public opinion.

I do not think it necessary to adduce more reasons to show that the principle of local contiguity has not asserted its place in the politics of the State in supersession of tribal, clannish and sectarian considerations. The Village Panchayats are to be the guardians of tanks, roads and public wells. It requires no vivid imagination to picture to one's mind the disputes that will arise in the village conclave of Panchayatdars, if a Pulaya member advocates the throwing open of the local tank or well to the free use of the members of his own community when,

perhaps, he is supported by a considerable number of persons. To arm the Panchayat with such an authority will be very unwise; because in a Panchayat there will be representatives of various castes, and a variety of considerations will prevail with each of them. It is quite legitimate that a depressed Pulaya should come forward and say: "You have not been treating us well; our blood is the same as yours and it also requires water as a component." I fear that public consciousness and the feeling of cosmopolitanism have not so far succeeded in gaining ground in Travancore; and I apprehend that a number of people will come forward and say that, if a Pulaya touches a tank, it will be polluted. I do not think that such a feeling on the part of the other communities should be encouraged. I am only speaking of conditions which exist and we shall not be justified if we forget them. Even with regard to the fee concessions which have been granted by Government, there will be difficulties if the schools are handed over to the Panchayats for management.

I am aware of the argument that participation in administrative and judicial work might tend to bridge away these differences and work towards homogneity of interests. That is the lesson taught by the history of the Spanish Armada or the wars which Switzerland had to wage against its neighbours, or the union of northern and southern States in America against common opponents. But, here when local government is a name and a fiction, when the central government is working the system in its paternal solicitude for its subjects, when a feeling of security encourages communal and class dissensions, any sudden fusion of different or discordant elements is well-nigh impossible. In Travancore, the *Sabha* has yielded to the Tahsildar. The ownership of land was assumed by the central government. The religious and charitable endowments which were managed by local guilds or associations were brought under the control and management of the central government and a special law was passed by the legislature for that purpose. But after a time the Travancore Government have recognised the wisdom and the necessity of fostering local self-government. The municipalities were first tried, extended and amplified; and in certain cases they were forced upon unwilling townsfolk. I refuse to believe that this was due to a desire to make people self-reliant and to afford them administrative experience. The maintenance of towns cost money and *therefore* the levy of municipal rates and taxes became an article of faith and a convenient remedy for the evils of a recurring expenditure. I know some municipalities deserve only one piece of good fortune—the good fortune of being abolished. There is no wonder in this result when it is remembered that, even in western countries, the experiment of local self-government has not been a complete success. Viscount Bryce observes that "the development of local government and the transference to it of as many administrative functions as possible, though constantly preached by reformers, does not in fact advance. Very little has been done in this direction by France or Australia, or in Spanish America, while in England the small parish units have failed to enlist popular interest". This is not a mere dictum of the scholar. The Viscount

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was a man of great administrative experience mellowed by observation of forms of government in all the important countries of the world. The policy of encouraging local self-government in India furnishes a strong proof to the soundness of his judgment. In Coorg, the income of District Boards is extremely exiguous, and it is impossible for it to carry out any measure of importance without help from imperial funds. (*Vide Administration Report for 1920.*) In Mysore, the number of persons charged before the Bench Magistrates in 1921-22 was 44,707, but the number convicted was 7,827. In the State of Baroda "the Village Boards that were invested with civil and criminal powers have not done satisfactory work. The Government sanctioned a lakh of rupees for medical relief and village sanitation. This sum was to be spent as a subvention to Panchayats contributing local help. But people do not take advantage of it. Some of the *Visishta* Panchayats are invested with judicial powers which were not utilised with advantage". The Panchayats in the Madras Presidency have thus far not been very satisfactory.

A valuable lesson on local self-government in Travancore is afforded by the history of our municipalities. In an Address to the members of the Popular Assembly, the Dewan observed that a few of the municipalities were fighting shy of taxation and trying, if possible, to retrace some of the steps already travelled by them in that direction. The results achieved so far, were, he said, on the whole "not discouraging". The words 'not discouraging' in a Dewan's pronouncement amounts to an unqualified confession of an opposite significance; while the remark in the *Administration Report for 1097* that "the Government are pleased with the attempts of most of the Councils to increase their resources" indicates that their real object, whatever their profession, is to withhold the grants now given to the municipalities. The Address foreshadows the future policy of handing over town roads to Municipal Councils for management, but does not state that the funds hitherto spent on them by the Government will be placed at the disposal of the respective councils. If the Government had expressed their readiness to hand over schools, hospitals and roads, and undertook to make over the money now spent on them to the Councils, I would have raised no objection to this Bill. But they are not prepared to give the Municipal Councils, these democratic bodies, any portion of the general revenues of the State. They are not willing to give them real powers of self-government.

PRESIDENT: May I draw your attention to part 9 of clause 45 which refers to other contributions which the Government may make?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I thank you, Sir, for having called my attention to that. But, when the budget session comes, the claims of particular departments have to be met and the Government have been systematically reducing the amount during the last several years.

It is instructive to find that Rs. 29,250 is all the grant made by Government to all the municipalities together in 1097 M. E. The administration has realised that general taxation has reached its maximum and even exceeded the taxable capacity of the people; and they naturally desire to escape unpopularity by making the democratic municipal bodies undergo all the unpleasantness of levying further taxes.

Some of the figures given in the Government publication, *Statistics of Travancore*, are explanatory of the preparedness of the people for taking upon themselves the responsibilities of local government. The average attendance of members, including the President, in some of them is as follows:—

Trivandrum 13·6.	Colachel 6·3.
Quilon 7·1.	Shencottah 6·2.
Alleppey 10·13.	Tiruvalla 8·0.
Kottayam 5·92.	Mavelikara 8·07.

Nagercoil, Kuzhittura, Kayankulam, Haripad, Vaikam and Alwaye have fared well in attendance. But 13 out of 19 municipalities show an attendance of less than 15 per cent. If this flagging interest in local affairs is characteristic of the residents in towns, where distances are small and locomotion easy, the case of sparsely inhabited *pakuthies* with few roads and other facilities requires no description.

The Village Panchayat contemplated by the Bill will not be of any real use though it might enable Government to refer people to the Panchayat when local wants and grievances are ventilated in the Sri Mulam Popular Assembly. I am alive to the fact that the central Government would need the co-operation of the local inhabitants and I am also confident that on occasions of necessity popular aid will be forthcoming. The school buildings and roads constructed by the people at their expense attest their readiness to share the responsibilities of Government and their willingness to contribute money towards schemes of improvement, over and above what is contributed by way of taxation. I know as a positive fact that most of these contributions of money and effort were due to the inspiration of, and sometimes a kind of mild compulsion on the part of, officers. I am not in favour of allowing buffers of local organisations being created on the path of their duty with the purpose of warding off complaints and preventing their prompt and effective redress.

Responsibility, Sir, is the chief attribute of power and therefore the Government would be well advised in arming local institutions with real authority in the administration of local affairs if any good results are anticipated. This is all the more necessary because the local bodies are to be the creation of the central Government and not the result of a natural spontaneous evolution, the result of the habits and traditions of the past. Sir, I cannot help saying that the powers proposed to be conferred on the Panchayats are not real though high-sounding. The Panchayats cannot do anything in relation to any matter which is under the direct administrative control of any department of Government. They

[Mr. T. K. Velu Pillai.]

are bound to execute the orders issued by the Government in certain optional matters like primary education and the relief of the sick. They have to decide cases sent down to them by any magistrate. They are precluded from getting the assistance of legal practitioners. The officers of Government can enter and inspect any immovable property occupied by the Panchayats or any work under their direction. These officers can again order certain acts to be performed by the Panchayat and, in default of compliance, order some person whom they like to perform it and then call upon the corporation to pay up the expenses; and there is then the very unwelcome provision that the officer in charge of the treasury in which the village fund is invested may pay moneys at the behest of the officer so empowered. It is curious that the Panchayat has not even the right of appeal against such arbitrary orders. The resolutions of the Board may be suspended or cancelled by the officer according to his discretion. The keystone of the whole arch is the authority vested in Government to dissolve Panchayats according as they deem fit. An instance of arbitrary procedure is furnished by Section 57 which empowers Government to decide the question of losses incurred by the Panchayat as a consequence of the misconduct or gross neglect on the part of the members without the due safeguards of law, an order in writing being the only condition. I may also point out that, during these many years, the jurisdiction of civil courts has been ousted by making the orders of Government final as to the liability of a member and the amount to be recovered from him. Even the safeguards of the Departmental Enquiries Regulation, VI of 1073, are not to afford any assistance to a condemned Panchayatdar, though any public servant in the service of Government is entitled to invoke the aid of that Regulation to vindicate his innocence. Such are the glorious rights conferred on the enterprising public men who are to constitute the Panchayats. This body that stands for democracy and public spirit, the agency to teach the citizen self-help and self-reliance, can, under the limitations set forth already, serve no better purpose than dance to the tunes of the local officer who may perhaps be of the status of a Tahsildar and in most cases of the rank of a *Proverticar*. This parody of a democratic institution should not be allowed to see the light of day if we are to preserve ourselves from eternal humiliation and sterility.

Sir, I fear I have taken a good deal of time already. But the importance of the subject prevents me from refraining from a consideration of the powers of taxation intended to be conferred on Panchayats. The Boards are permitted to levy fees on the institution of certain suits and, what is more, on criminal cases also. With one hand you are constituting ignorant men into judges and making the administration of criminal law a play and a delusion and with the other you are making criminal justice expensive by the levy of fees You are baptising new land cesses and trying to add to the hardships suffered by a poor toiling people. You are encouraging the imposition of taxes, rates, cesses and license fees to

enable the Panchayats to discharge their obligatory and optional functions. Panchayats are made to vie with one another in a career of self-glorification by raising the largest revenues, as Tahsildars are encouraged to realise the maximum sums from the sale of *puduvals* and the collections under the prohibitory assessment sections of the Land Conservancy Regulation.

PRESIDENT: I do not think that is relevant here.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I only say that, when the Government ask an officer to raise revenue—

PRESIDENT: A Panchayat is not an officer subordinate to the Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): They do their best in the matter. Some Panchayats will value the approbation of Government so much that they may be tempted to raise their revenue. Sir, I cannot accept the principle of this Bill and I am sure the country will not accept it. It is our prime duty to prevent the imposition of these rates and cesses that come in swarms. It is true that the creation of local boards has been urged at several sessions of the Sri Mulam Popular Assembly; but I am sure the mover of the Bill will not succeed in satisfying the House that it was a measure of this troublesome and unprofitable nature that was demanded by the representatives of the people. We are not against officers as a class and we do not pray for their abolition. We only desire that they should turn out sufficient work and discharge their sacred duty. The democracy that the Government are now anxious to foster has begun from the central Government; and if Government are anxious to extend it, the proper method is to foster it in district centres by the creation of District Boards with substantial powers, and make over to them a *definite* share of the *general* revenues for the satisfaction of local needs. The types of men that will serve on a District Board will be far superior in intelligence and equipment to those who congregate in the imbecile Panchayats.

From the time of Lord Ripon onwards, the encouragement of local self-government has been a favourite theme of the British Government in India. The duties of the Government of India are so hard and numerous that local affairs may have to be administered by popular representatives. But Travancore is a small State and our officers can look after even parochial concerns without any difficulty under the guidance and advice of district organisations. We need not have Panchayats because they have similar boards in British India. I am sure the representatives of the people in Travancore who sit in this hall to guard their interests will not lend the smallest support to this Bill. They will not pass this measure of indirect taxation. They will not be parties to a proposal to enable the Government to collect more revenues while they would like to throw away their burdens. They will not permit the Government to expend the moneys so saved on the usual kind of departmental reorganisations and other doubtful objects of public utility. I oppose the present Bill.

[Mr. A. Govinda Menon.]

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Sir, I regret I have to differ from the previous speakers. I fully agree with the principle of the Bill now before the Council. It is to me a matter of surprise that the members of this Council who want all sorts and kinds of powers conferred upon this Council should decry any effort on the part of the Government—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out to Mr. A. Govinda Menon that I merely pointed out the defects of the Bill as they appeared to me?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I do not mean Mr. G. Paramesvaran Pillai, but Mr. T. K Velu Pillai who did not even agree to the principle of this Bill.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I request Mr. A. Govinda Menon to talk louder? He has not either understood me correctly, or—

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I thought he was entirely against the Bill. No doubt, it is our duty to point out the defects. My friend put it in such a way that he would be the right man if he had been a thorough bureaucrat which he partially is now. Sir, Mr. Velu Pillai, said it would be better to begin from the top. My reading of the political history of India as a whole convinces me that it is not wise to begin from the top—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With your permission, may I correct my friend?

PRESIDENT: You will have to wait until he finishes his sentence.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall spare him the necessity to speak about it. He has misunderstood me.

PRESIDENT: You may say what you have to say after he has finished his sentence.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): The Panchayat is the first thing that ought to have been created even before this Council was brought into being. Village bodies were not unknown in Travancore. Even in my childhood, the remnants of those institutions existed in the villages—at least in my part of the State. Of course, those things have disappeared owing to the extreme centralisation policy of the Government.

Coming to the bill itself, I agree with many of the criticisms directed by Mr. G. Paramesvaran Pillai as regards its financial aspect. But I contend that, for my part, even if the Bill is to be worded and passed finally as it is, I would welcome it because it gives us a constituted body through which the people of this State can put forward their needs and grievances before the Government. As a member of the Sri

Mulam Popular Assembly, I have come here nine or ten times and represented various matters concerning the welfare of the people, particularly local needs. But in 99 cases out of 100, they have been only a cry in the wilderness. It is no use sending a member here once in a year and making him represent some sort of grievance. There is nobody in our rural areas to keep the eyes of Government always open and to constantly remind and worry them about their grievances so that they may understand that they are real; for all of us know that the crying child alone will get the milk. There is no constituted body in our rural areas to represent their grievances to the Government properly and strongly. That is one of the principal reasons why I take—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether all the municipalities are working properly, and particularly the Parur Municipality.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): It is a personal question. It is working properly.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Suppose—

PRESIDENT: Are you asking a question?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, Sir, if you permit me. My question is that, in case there is fight between—

PRESIDENT: It does not arise out of his speech. So I must disallow it. There is no question of the efficiency of the Panchayat or of other local bodies before us.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): One of the chief reasons my friend Mr. T. K. Velu Pillai adduced against the Bill was that of communal differences. I grant that there are communal differences working in some spheres of our life. Of course, in the matter of elections and Government appointments, there are, to a certain extent, differences of this kind. But what I wish to point out to Mr. Velu Pillai and others who are living in the towns is that, in rural areas, there is absolutely no kind of communal difference except amongst certain persons who are in touch with the so-called political leaders and who rouse these communal differences for their own use. We live and move like brothers; and if there is any difference created among the rural population, it is owing to the wire-pulling of some of these so-called leaders of the people who want to serve their own ends for their selfish purposes. As a matter of fact, these things die out soon after the external influence is withdrawn. I grant that there were exhibitions of communal difference during the last elections; but, once the elections were over, I do not think anybody retained the same feelings. It is only those who hunt after the loaves and fishes of office or honorary posts — it is they alone who rouse these communal differences. I would, therefore, say that the reason that there are communal differences among the rural population would never be an adequate one for proving that the Panchayat would never be of use.

[Mr. Paul V. Daniel.]

I would also urge that the plea that District Boards should be created along with the Village Panchayats is not a tenable one. I do not think that is a very cogent reason, because it is only after working these institutions on the lower strata of the political structure that we need go in for higher local bodies. In the present state of Travancore, I think we are much more advanced than those in British India, where, perhaps, there is no use to create these Boards without the District Board. In the matter of capacity of the people who may be nominated as members of the Panchayat, my friend Mr. Velu Pillai was very diffident as to their capacity and honesty in fulfilling their duties.

PRESIDENT: Why do you say 'honesty'? He did not say that.

MR. A. GOVINDA MENON (*Alangad cum Parur*): What he said amounted to that.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I did not say that. I will not allow even Mr. Govinda Menon to attribute to me what I have not said.

MR. A. GOVINDA MENON (*Alangad cum Parur*): At this stage that is all that I understand. So far as I understand the rural population, I can say that they are free from the ambitions and wire-pullings of the towns-people and could be trusted to deal with the people better than the denizens of the towns. I would not, on that account, urge the withholding of any of the powers they are already proposed to be entrusted with under the Bill. But I would extend to them the powers to deal with all offences of a minor nature. Of course, these are matters which can be discussed in the Select Committee and I do not now wish to go into the details. All that I say is that the Bill should not be rejected by this Council. It is one which has been advocated by eminent Indian politicians throughout the whole of India; and when the Government bring it as a Government measure, certainly it deserves all the support of this Council. I do not deny that, in respect of details, we may differ. On principle, it will be suicidal on our part to withhold our support of the Bill.

MR. PAUL V. DANIEL (*Agast'svaram*): Sir, fortunately I come from Agastisvaram, the southernmost taluk of this State, wherein the Bill under consideration is absolutely no innovation but only a renovation.

I support the principle of the Bill. Sir, the Bill is intended to give effect to the honest and generous intention of the Government of training citizens in local self-government. Year after year, in this very hall, the members of the Sri Mulam Popular Assembly have been representing to the Government the desirability of associating the people in the administration of local affairs, and as a first instalment, the Government laid the foundations for the Village Panchayat Courts by passing a Regulation. It is now eight years since these courts began to work and I trust every member of this House is aware that they have been working

to the satisfaction of the public at large. Recently, the Government, on suggestions made by the responsible representatives of the people, introduced the Bench Magistrates' Courts in important centres, with all precaution possible, to secure the interest, the advantage and satisfaction of the public. I have been connected with a Panchayat Court for a number of years and with a Bench Court ever since its inception; and I can boldly assure Mr. T. K. Velu Pillai that the work so far done is satisfactory and beneficial to the public, at least as satisfactory as any other courts, civil or criminal, of the State, so much so, that some people living in villages outside the municipal limits have begun making special requests to open such courts in selected important villages. Mr. M Subrahmanya Pillai of Terur who is here with us to-day urged in this Council the necessity of establishing institutions for local self-government in selected villages outside municipal towns. Now the activity of the institutions already started and controlled by the Government is limited only to elementary civil and criminal matters. There is yet a variety of local self-government activities, such as rural sanitation, adequate water supply, upkeep of village roads, etc. The Government no doubt are doing their best in these matters; and yet, in the words of Sir Henry Campbell-Bannerman, "Good government is no substitute for self-government". which is now desired so much everywhere. Further, the prosperity of a nation depends to a considerable extent on the degree of capacity it has for self-government and this can be achieved only by an adequate training of the nation in the political field. This Bill clearly proves the recognition by the Government of the capacity of the rural population to work these institutions with efficiency and advantage.

The educative value of these institutions cannot be ignored. The Indian Decentralisation Commission has pointed out that any healthy system of local self-government must begin from the solid basis of village organisations. It is these the Government contemplate introducing by this Bill and this is done only in response to the demand of the public in the matter. I wish to place before this Council that these institutions are not innovations in this country. There was a time when each village had an organisation for itself to attend to all its wants, social, educational, sanitary and judicial.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know why such village organisations have been stopped?

MR. PAUL V. DANIEL (*Agastisvaram*): In our villages there are even now these Village Panchayats.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Daniel whether, on the Panchayats that existed in his part of the country, there were representatives of all the castes that lived there.

MR. PAUL V. DANIEL (*Agastisvaram*): In some villages there were. For the information of my friend, I would say that in South Travancore the brotherhood of man is beginning to be recognised by all the castes.

[Mr. Paul V. Daniel.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Daniel whether, in south Travancore, there is any Christian or Nadar who is either a secretary or a treasurer to any of these village organisations, that is, in these organisations which have been in existence for a long time.

MR. PAUL V. DANIEL (*Agastisvaram*): In most of the village associations, even Christian Nadars are secretaries.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am speaking of those associations which are, say, of one hundred years' standing. I want to know whether the office of secretary or treasurer is held by a member of any of the communities I mentioned.

MR. PAUL V. DANIEL (*Agastisvaram*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask where that association is?

PRESIDENT: Your question is not very precise. In the first place, you will have to name the association you want to know of.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I shall explain. Sir, I asked in the first place whether he was aware of any association which, he says, exists, and which is one hundred years old, and in which either of the communities I mentioned is represented either in the board or among the office-bearers as secretary or treasurer.

PRESIDENT: You will have to draw up a list of bodies or associations, one hundred years or more old, and then ask for particulars of one association. Your question, as it is, is hypothetical.

MR. PAUL V. DANIEL (*Agastisvaram*): These Panchayats were in a flourishing condition in the heyday of village life in India, and they were, for all practical purposes, self-sufficient and autonomous. The attempt of the Government is practically to revise this ancient system. Some remnants of the old Village Panchayats are even now in existence in most of the villages in south Travancore, and I can personally testify to the immense benefits derived from such Panchayats in the Agastisvaram taluk. There are, in that taluk, village organisations for the construction and maintenance of temples, primary schools called *oorpallikkudams* and village halls, known as *ambalams*, lanes and paths for the excavation and maintenance of wells and ponds, for opening and maintaining burial and burning grounds, for settling petty theft and assault cases, etc. The expenses required for carrying out these organisations are met by levying what is known as *vari*—five to fifteen *fanams* per year or at times even more per house or per earning member; *mahamai*—a certain percentage of the article of manufacture or trade or its equivalent money value; *varanttanpanam*—a fixed sum of money varying from three to seven rupees realised from a man of another village coming to marry a woman of the local village, etc. It is, therefore, encouraging to find that this system is to be renovated and improved

to suit the requirements of modern civilisation. The political aspirations of the people will be satisfied to a great extent and the State will also be benefited. The object aimed at is to see that the full measure of civic liberty and political training is given to every citizen so that he may rise to the full height of his stature in politics.

No doubt, the functions which these Panchayats should be asked to discharge, the sources of income which they should get, the responsibilities they ought to shoulder, the privileges to which they are legitimately entitled, the local areas to which the regulation must be made applicable, all these are important questions which the House may safely leave to the Select Committee. I am sure, when the Bill receives the usual correction at the hands of the Select Committee, there will be no cause for dissatisfaction at its enactment and application to certain selected villages in our State. The task for the Select Committee is indeed onerous; for, it demands intimate knowledge of local affairs and circumstances; but I fully hope the learned Law Member and the other members of the Select Committee will spare no pains in seeing that this Bill becomes law in the near future.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഞാൻ ഈ ബില്ലിൻെറ ഉദ്ദേശത്തോടു യോജിക്കുന്നു. എന്തെന്നാൽ, ഇതു ജനങ്ങളെ രാജ്യകാര്യത്തിൽ കൂടുതൽ പ്രവേശനം നല്കുന്നതിനു ഉതകുന്ന ഒന്നാണ്. അങ്ങിനെയുള്ളതിനെ എല്ലാ ദേശാഭിമാനികളും അനുകൂലിക്കേണ്ടതാണ. എന്നാൽ ഇതിൽ അടങ്ങിയിരിക്കുന്ന സംഗതികളിൽ ചിലതെല്ലാം ജനസാമാന്യത്തിന് ഉപദ്രവകരമാകയാൽ എടുത്തുകളയണമെന്നും ഗുണകരമായ ചില വ്യവസ്ഥകൾകൂടി ചേർക്കണമെന്നും പ്രസ്താവിക്കാതിരിപ്പാൻ നിവൃത്തിയില്ല. ഞാൻ ഇങ്ങനെ ഒരു വില്ലേജ് പഞ്ചായത്ത് ഏർപ്പെടുത്തണമെന്നു പ്രജാസഭയിൽ പ്രസ്താവിച്ചതായി മിസ്റ്റർ സുബ്ബയ്യർ ഇവിടെ പറയുകയുണ്ടായി. എന്നാൽ ഇങ്ങനെയുള്ള ഒന്നു വേണമെന്നല്ല ഞാൻ പറഞ്ഞിട്ടുള്ളത്.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Hear, hear.

Mr. TARIATU KUNJITOMMAN. (*Muvattupuzha*): താലൂക്കു ബോർഡും വില്ലേജ ബോർഡും വേണമെന്നാണ് പറഞ്ഞിട്ടുള്ളത്. അത് ഇതിനെക്കാൾ വിശാലമായ തരത്തിൽ ജനങ്ങളുടെ ക്ഷേമത്തെ നല്കുന്നതിന ഉതകുന്ന ഒരു പദ്ധതിയും കൂടി വിചാരിച്ചാണ് പ്രജാസഭയിൽ പ്രസ്താവിച്ചിട്ടുള്ളത്. അങ്ങനെയുള്ള വ്യവസ്ഥകൾ ഇതിൽ വേണ്ടപോലെ കാണുന്നില്ല. വില്ലേജുബോർഡിനു ചില ചില്ലറ ക്രിമിനൽ കേസുകൾ തീർച്ച ചെയ്വാനുള്ള അധികാരംകൂടി കൊടുക്കണമെന്നു ഞാൻ പറഞ്ഞിട്ടുണ്ട്. അത് ഇതിലും ഉണ്ട്. അതു നന്നാണ്. ഓരോ

[Mr. Tariatu Kunjitomman.]

സ്ഥലത്തും ഉള്ള അവശ്യങ്ങൾക്ക് ഗവർണ്മെന്റിൽനിന്നു ചെയ്തുകൊടുക്കേണ്ടത് എന്തെല്ലാമെന്നും സ്ഥലത്തെ ഉദ്യോഗസ്ഥന്മാരിൽനിന്നു ജനങ്ങൾക്ക് വല്ല ഉപദ്രവവുമുണ്ടെങ്കിൽ ആ വിവരവും ഗവർണ്മെന്റിനെ അപ്പോഴപ്പോൾ അറിയിക്കുന്നതിനു ബോർഡിനു അധികാരം കൊടുക്കണം എന്നു ഞാൻ പറഞ്ഞിട്ടുണ്ട്. അതു ഈ പഞ്ചായത്തുകൾക്കു കൊടുത്താൽ നന്നായിരിക്കും. ഓരോ സ്ഥലത്തെയും സംബന്ധിച്ച [illegible] വിരുദ്ധമായി ഓരോ പത്രങ്ങളിൽ പ്രസ്താവിക്കുന്നതുകൊണ്ടും [illegible] വിരുദ്ധമായ ഹർജികൾ കൊണ്ടും സൂക്ഷ്മസ്ഥിതി അറിയുന്നതിനു ഗവർണ്മെന്റിനു പലപ്പോഴും നിവൃത്തിയില്ലാതെ വരുന്നു. സത്യത്തിന്റെ [illegible] തിരിച്ചറിവാൻ നിവൃത്തിയില്ലാത്തവിധം അസത്യത്തിന്റെ [illegible] എന്നുവരാം. സ്ഥലത്തെ ജനങ്ങളാൽ തിരഞ്ഞെടുക്കപ്പെട്ട അംഗങ്ങളുൾപ്പെട്ടുകൂടിയ പഞ്ചായത്തിനു വാസ്തവം ഗവർണ്മെന്റിനെ അറിയിക്കാൻ കഴിയും. അതിനാൽ അങ്ങനെ ഒരു അധികാരം [illegible] കൂടി ബില്ലിൽ ചേർക്കണം.

ഓരോ സ്ഥലങ്ങളിലും സാധാരണ റോഡുകൾ, [illegible]ങ്ങൾ, വൈദ്യശാലകൾ മുതലായവ സ്ഥാപിക്കുന്നതിനുള്ള [illegible] അധികാരവും ഗവർണ്മെന്റ് ഈ പഞ്ചായത്തിനു [illegible] പ്രത്യേകിച്ചു പബ്ലിക് വർക്സ് ഡിപ്പാർട്ടുമെന്റിൽനിന്നും [illegible] മറവുമായി ഓരോ സ്ഥലത്തേക്ക് അനുവദിക്കുന്ന [illegible] ഈ [illegible]ങ്ങൾക്ക വിട്ടുകൊടുക്കണം. [illegible] അഭിപ്രായം കൂടി അറിഞ്ഞു ഡിപ്പാർട്ടുമെന്റുകാർ നടത്തിക്കൊള്ളു[illegible] തെല്ലാം ഇവർക്ക് കൊടുക്കണം. അങ്ങനെ ചെയ്താൽ ഡിപ്പാർട്ടുമെന്റിലുള്ള പാഴ്ചിലവു കുറയുകയും ജനങ്ങൾക്കു കൂടുതൽ പ്ര[illegible] ഉണ്ടാകയും ചെയ്യും.

എന്നാൽ ഗ്രാമവരിയോ നിലക്കരമൊ [illegible] അധികാരം ഒരിക്കലും പാടില്ല. ആ വകുപ്പ് എടുത്തുകളയണം. ഉത്തരതിരുവിതാംകൂറിലെ ഉൾനാടുകളിൽ [illegible] സ്ഥാപിച്ചിട്ടില്ല. ഉൾനാടുകളിലെ പണം കൂടിയാണ് പട്ടണങ്ങളിലും തെക്കൻതിരുവിതാംകൂറിലും [illegible] റോഡുകൾ മുതലായവയും [illegible] വാക്കീട്ടുള്ളത്. ഇനി വേണ്ടവർ പഞ്ചായത്തുമുഖേന ഗ്രാമവരി ഏർപ്പെടുത്തിയും നിലക്കരം പിരിച്ചും നടത്തിക്കൊള്ളണമെന്ന വരുമെന്ന് ഇതുകൊണ്ടു സംശയിക്കണം. അതുകൊണ്ട് ഉത്തരതിരുവിതാംകൂറിലും ഉൾനാടുകളിലും അത്യാവശ്യമാ

ള്ള റോഡുകൾ മുതലായവകൂടി ഗവൺമെൻറു നേരിട്ടു ഉണ്ടാക്കിക്കൊ ടുത്തശേഷം പിന്നീടു ഗ്രാമപ്പഞ്ചായത്തിൽ നിന്നു പണംപിരിച്ചു മേലിൽ വേണ്ടതു നടത്തിക്കൊള്ളട്ടെ എന്നു വയ്ക്കുന്നതായാലും തരക്കേടില്ല. ഇപ്പോൾ കരം പിരിക്കുവാൻ ഒരിക്കലും അനുവദിക്കരുത്. കരം നിമിത്തം ഇപ്പോൾ ജനങ്ങൾ വളരെ ബുദ്ധിമുട്ടുന്നുണ്ട്. കൂടുതൽ നികുതി പിരിക്കണമെന്നുള്ള വ്യവസ്ഥ വരുന്നതു വളരെ സങ്കടകരമായിരിക്കും. ഈവിധമുള്ള ഭേദഗതികളോടുകൂടി ഈ ബിൽ പാസ്സാക്കുന്നതിൽ തരക്കേടില്ലെന്നാണ് എൻെറ അഭിപ്രായം.

THE REV. FR. KURIAKOSE VETTIKKAPALLI (*Thodupuzha cum Kunnatnad*): The Village Panchayat Regulation provides for local self-government in the rural areas of the State. Every step that is taken to give the people a share in the Government has to be welcomed. The age is democratic and the idea has caught on to the present generation—and rightly too—that the people must have adequate representation in the affairs that concern their weal and woe. Any objection that may be raised against such a popular measure should only be considered as a retrograde step.

Nevertheless, in the framing of the provisions of the Bill and in their practical application, we have to take account of the experience of the working of similar measures both in the State and outside it. Sir, it cannot but be admitted that the working of many of our municipalities is far from satisfactory, so much so that in some places people have been petitioning Government for their abolition. While new taxes on all and sundry have been imposed which the people could hardly bear, there have been no corresponding benefits conferred. What may be the reason for the failure of such self-government? Is it because civic consciousness has not been sufficiently awakened in the people, or is it because they do not want to shoulder the responsibility? Probably the answer lies between the two. The failure of municipal government in certain places is also due, in a great measure, to the introduction of such administration without ascertaining the fitness and willingness of the people as well as the natural conditions of the place. The present Bill also empowers the Government to arbitrarily declare any area within a taluk to be a village for the purposes of this Regulation. If this method is to be adopted, the measure, I am afraid, will share the fate of some of the areas brought under municipal administration. Hence, to ensure success, I would suggest that some provisions be made to ascertain beforehand the mind of the people of the areas proposed to be given Panchayats and to give them the option of being brought under the operation of this Regulation.

I also beg to support Mr. T. K. Velu Pillai in saying that the Bill might turn out to be a fresh source of trouble and communal strife in the now peaceful villages. This is the experience we have after the recent Legislative Council elections as well as some municipal elections.

[Mr. N. Padmanabha Pillai.]

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Sir, I have much pleasure to support the principle underlying the Bill. I am glad that the Government have now at least thought of extending the principle of local self-government to villages which in this country are inhabited by a very good percentage of its population. The people in the villages contribute largely to the finances of the State and it cannot be said that their needs and conveniences are receiving adequate attention at the hands of the Government. In an agricultural country like this, it is of the highest importance that the villages should be made more attractive and healthy. This can only be done by establishing local councils, with local staffs of officers and local systems of taxation to which many other local arrangements must adapt.

One pleasant feature that I notice in the Bill is that it tries to consolidate the local forces. However perfect may be the system of election on which local government is based, however admirably its legislative, executive and judicial functions may be separated, it will fail to attract the highest capacity or to perform its allotted work successfully without a vigorous concentration of local bodies. A place hardly contains within itself good materials for more than one Board. It is morally certain that, if there be but one body in each rural district entrusted with all the powers of local government, men of education, independence and leisure would be far more disposed to serve on it than on half a dozen Boards. The weakness of local Government strengthens centralisation in the central Goverment. The evil is to be cured not by a dispersion but rather by a wholesome consolidation of local forces.

This is not the occasion to go into the minute details of the Bill. I agree that there is a good deal of force in the several arguments advanced by Messrs. G. Paramesvaran Pillai and T. K. Velu Pillai against certain of the provisions in the Bill. The Bill is certainly capable of much improvement. But the defects contained in it should not stand in the way of its introduction.

The broad line which should divide the sphere of local from central Government should be clearly drawn up. I cannot commend the large rule-making powers reserved with the Government. I advocate a system where local bodies would be more self-reliant and autonomous. The rule-making power is likely to restrict the freedom of the bodies in spite of the liberal provisions in the Bill. I wish the mover would cut down the rule-making powers in the interests of promoting a more democratic spirit in local administration.

The provisions in the Bill regarding taxation have occasioned much comment at the hands of several of the members on this side of the House. As far as I know, local bodies are doing good work, but their administration is made unpopular because of the taxing power they possess. People generally believe that the creation of local bodies is a dodge adopted by the Government with a view to tax them unnecessarily through these bodies. I will not say that the intention of Government is so bad

as that. But in effect it comes to somewhere near it. When local bodies are created, the Government do not appear to be willing to part with much of their finance. So, the local bodies are compelled to exercise their powers of taxation to an undesirable extent. The local bodies should have guaranteed to them, a definite share of the revenue derived from their respective places by the Government. A provision to that effect in the Bill itself is absolutely necessary.

The working classes are the most directly interested in local government, and above all, in the sanitary regulations upon which their health and domestic comfort so vitally depend. They should not be disabled for want of a rate-paying qualification from voting.

Educated classes appear to have much less influence over local than central government. By virtue of their education there are stronger reasons for giving them an advantage by means of plural or cumulative voting, especially as their active participation in local affairs is for the common good of all.

With these remarks, I support the principle of the Bill.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, it is true that, in more than six sessions of the Sri Mulam Popular Assembly, representations have been made that the rural population should be given greater opportunities of sharing the administration of local affairs. I am afraid that the Bill before the Council, which is said to have emanated from a desire of the Government to satisfy that demand, does not satisfy it. The representations were concerned with the existing administration of local affairs. That is, there may be road-making activities, canal-making activities, and irrigational and other activities conducted by the Government. What this regulation is intended to achieve is not to allow people to take part in such affairs, but to create a sort of petty government and then entrust the same to the people under the rigid control of the State. That was not what the people wanted. They wanted a hand or a share in the *existing* administration.

PRESIDENT: The Bill does not prohibit it. It contemplates that too.

MR. JOSEPH PANJIKARAN (*Shertallai*): I think the Bill does not contemplate it. On the other hand, the proviso to section 17 is, in my opinion, against it. It says:

"Provided that nothing in this section shall be deemed to impose any duty or confer any power in so far as it is under the direct administrative control of any department of our Government."

PRESIDENT: That control could be relaxed or removed by Government.

MR. JOSEPH PANJIKARAN (*Shertallai*): Of course, that can be removed. But I am discussing the Bill as it is presented, and not the Bill as it might be after it has emerged from the Select Committee.

PRESIDENT: It does not disallow Government to delegate their powers to the Panchayats.

[Mr. Joseph Panjikaran.]

MR. JOSEPH PANJIKARAN (*Shertallai*): No, it does not. To me it appears that, as it stands, the Panchayat will not be allowed to take any part in the administrative functions and activities carried on by Government.

PRESIDENT: May I point out to you that that provision is intended more for avoiding friction and dual control than for disallowing the Panchayats to exercise the functions which the Government may deem fit to delegate to them?

MR. JOSEPH PANJIKARAN (*Shertallai*): My humble opinion is that, as it is, the Bill is against it. I think it goes to show that the intention of the Government was not to satisfy the representations made in the Assembly but to create some sort of dominion governments, as it were, which will have nothing to do with the existing administration, and then commit to them the management of the Panchayats. I do not think that the representations made by the members of the Assembly were meant to advocate the creation of such self-government or dominion government. The thing is that when the people are asking for cheese, the Government are giving them chalk.

Sir, in spite of the alleged object which this Regulation is aimed to achieve, that is, that of fostering and developing self-government, I think, I must oppose this Bill. Of course, the words "to foster and develop self-government" are certainly words which fill the mouth and tickle the imagination. This is only one of those stock phrases used by politicians when they want to impose taxes and burdens upon the people. These and such-like phrases are intended to conceal the intention rather than to disclose it.

It was stated by the mover of the Bill that it was not the intention of the Government to impose taxes but only to foster and develop self-government. If that be so, let the funds of the Panchayat be a portion of the land revenue collected by the Government from each village. Then I would consider this alleged desire of the Government to foster and develop self-government to be genuine. But if the Government are not willing to surrender a portion of the land revenue collected, can it be said that the intention of the Government is to foster and develop slef-government?

PRESIDENT: You put that question to Mr. Subba Aiyar and he has answered it.

MR. JOSEPH PANJIKARAN (*Shertallai*): He said that if the people collect some money the Government may give an equal share.

PRESIDENT: Not *may*. But the Government *will* give an equal portion.

MR. JOSEPH PANJIKARAN (*Shertallai*): If the people collect zero, then the Government will give zero! Sir, to my mind, this Regulation is intended to remove the financial burden from the shoulders of the Government and to shift it on to the

shoulders of the people. Sir, it has been pointed out several items in this Council that the people are sufficiently taxed and that they cannot bear any more burden of that kind. It might be said that the collection made under the Regulation will not go to the general coffers of the State but that it would be utilised for village purposes alone. My submission is that, whether it is used for village purposes or goes to swell the general coffers, it is taxation and it is that to which we have to object. Why not meet the local needs from the general revenues collected?

The next objection that I would urge against this Bill is that, in my opinion, it does not satisfy an *existing* need; it seeks to create a need and then satisfy it. Such regulations should be introduced not because they would be good from the theoretical point of view, but only if there is a strong demand from the rural population. When there is a sufficient awakening of the people and when they demand institutions of their own, it would be time to give such things. Here, it is a case in which a need is sought to be created by a legislative enactment and not a case in which a need which has already arisen is sought to be met.

The third objection that I would urge against the Bill is that I am afraid that, when it becomes law, it will be making the Government less responsible to the people than it is at present. Of course, at present, though without much success, we can apply to the Government for the construction of roads and their maintenance and for other purposes. But when once Bill this becomes law, the Government will tell those applicants that the Imperial Government cannot concern themselves with such minor local affairs as the construction and maintenance of the roads. Mr. Subba Aiyar has been kind enough to say that the Government do not intend to divest themselves of this responsibility. But when once a responsible body can be pointed to, I am sure that the Government will back out and the villages will be called upon to look for themselves.

Then again, the next objection is about the kind of judicial functions that are to be vested in these Panchayats. Elaborate observations have been made on the evils of such courts by Mr. T. K. Velu Pillai and I do not mean to take up the time of the Council any more by reiterating those observations.

I oppose the Bill in spite of the fact that it is put forward on the pretext that it is intended to foster and develop local self-government.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Sir, I have carefully gone through the Bill. I have also carefully listened to the speeches made by the learned Law Member as well as the other members of this Council. I must say that my position this evening before the Council is one of considerable difficulty. As a member of the public, I am tempted to welcome the measure generally; but as a representative of the poor tax-payer, I am equally tempted to oppose some of the most important principles and chapters of the Bill. Sir, it is in such a

[Mr. J. John Nidiry.]

spirit that I approach the subject; and in doing so I may at once say that I have to oppose two of the most important chapters in the Bill. I mean the chapter which relates to judicial functions and that which relates to taxation. No doubt, as usual, the learned Law Member has taken his stand on the representations made by the members of the Sri Mulam Popular Assembly and he has also particularly named some of our friends here who have made proposals in the matter in that assembly. But with all that, I have my own doubts as to whether it was this sort of a bill that was urged by them before that assembly, as has been observed by some of the previous speakers. My own idea is that we want an altogether different bill. Again, it is almost conceded on the part of the Government that the tax-payer has already been taxed to the breaking point. Any more taxation would be really unbearable. Still, we may all like to have a Panchayat in our village. Then what is the solution for it? The only solution I could suggest is to have a Bill on a different footing, that is to say, a Panchayat Bill which is devoid of any intention to assign any judicial functions at present to the Panchayat and also a Panchayat without any powers of taxation. Of course, it has been pointed out that, unless the Panchayat is invested with the right of collecting taxes and the duty of paying taxes, the members may not, or the Panchayat itself may not, be able to feel their position of responsibility. But what I submit is that we need not begin with such a responsible body at present. We may content ourselves with a rather humbler beginning and after watching the course of the conduct or the working of such a Panchayat, we may proceed to give the power of taxation and the duty of discharging judicial functions later on. The history of the Panchayat Courts and the Bench Magistrates' Courts which we have constituted in the towns would show that they are not giving us satisfaction. If that be the case, I doubt whether the Village Panchayats would be able to show better results.

Another point which I wish to bring to the notice of this Council in this connection is, as has been observed by Mr. T. K. Velu Pillai, that we do not have a real village system in this land; and to make provision for cleaning up streets and other things looks absurd on the face of it. I do not know whether we have such streets in any village except at Shencottah and one or two other places. Most of our villages have no streets at all; and some of the provisions which we find embodied in this bill are altogether unsuited to the requirements of our villages. By villages, I mean the revenue villages. Then again, the question may be asked whether, if a Panchayat is constituted, there should not be a fund for its working. My submission in this connection is this; either the whole or at least the major portion of the land revenue collected from each village may be set apart for the expenses or the demands of the Panchayats of each village. If the Government or the authorities consider that the land tax is too important or too sacred a thing to be set apart for the use of the Panchayats, I may suggest another and better course. It has been universally admitted that the

income derived from abkari should not go to the general treasury as the income derived from the source of drink is not a desirable one. The policy of Government and the opinion of the representatives as evidenced in this Council have all along been that we should have very little to do with it. If that be the case, I would submit in this connection that the revenue derived from the abkari in each village be set apart for the village purposes or at least, say, a half of that revenue. So that, in course of time, when the abkari revenue, which is bound to go down year after year, disappears, it may be supplanted by further taxation later on when the Panchayats grow and feel their importance and usefulness.

My friend, the learned Law Member, suggested, in the course of his interesting address, that there is a long-standing complaint from my friend Mr. Kunjitomman and other friends who hail from north Travancore that a due distribution of public funds is not made in the northern taluks. Mr. Subba Aiyar's solution, however, seems to be rather peculiar. He has suggested that, by introducing these village Panchayats and by imposing taxes on the villages in north Travancore as well as in other parts of Travancore, their grievances will disappear. When I heard that portion of his interesting speech, it reminded me of some of the despotic *Karanavans* of our Malabar *tarwads*. They say to the junior members who make representations about their wants: "you may boast of being a member of this or that big *tarwad*; but if you want to have a decent living, if you want to provide for your wife and children, you must make your own self-acquisition; for the *tarwad* fund *cannot* be used for that." The learned Law Member's reference is something like that. This sort of solution will not satisfy north Travancore at all. We want a better treatment. We want some portion, or rather the major portion of *tarwad* funds. That is what has been contended for. This sort of old archaic treatment meted out by despotic *karanavans* is not what we want. It may be also observed that the taxpayers in my constituency are generally very much opposed to any further taxation. Even if they do not get village Panchayats or similar administrative privileges they do not care much, provided that they are left alone, because people have begun to feel the burden of taxation to such an extent that anything by way of taxation is a position which they cannot conceive. They have, as a matter of fact, begun bitterly to complain about the troublesome and burdensome nature of the present-day administration. The Succession Certificate Regulation, the Court Fees Regulation, the Income-tax Regulation, the Canals Regulation, the Tolls Recovery Regulation and a lot of others are really giving them an immense amount of worry and trouble, and very often they ask whether things are going back to the old days—the pre-Madhava Row period. That statesman had to abolish about 100 oppressive taxes. To say that we are pursuing a direction leading to that backward period is really a deplorable thing. So I strongly protest about the taxation provisions in the Bill. With these observations, I resume my seat.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I am glad that Government have boldly introduced this Bill

[Mr. M. R. Madhava Variar.]

in deference to the wishes of popular representatives with a view to foster and develop local self-government in rural areas. There can really be no two opinions in this country with regard to the importance of the part to be played by local self-government and by the cordial association of citizens with the work of administration. It is only in this sphere that administrative experience can be gathered and civic ideals can be implanted in the masses at large. In western countries, self-governing institutions are planted deep in the consciousness of the people and the fabric of nationhood has been solidly built on them. Though the educated people in this State are also imbued with the ideal of nationhood, the immemorial customs and the interplay of sectarian and religious activities and the apathetic attitude of the masses towards questions affecting the welfare of the whole of the body politic have tended to warp their ideals and to create a conflict of tendencies and aspirations. There is ample evidence in history that village communities existed in this country as so many little republics which carried on their even tenor of life undisturbed by outside influences. Their ideals were entirely different from the ideals which we now present to the public and those ideals helped the industrious ryots to live in peace and plenty. With the inauguration of a new system of governmental machinery, with the influx of new ideas and with the introduction of ryotwari system, began the decline of the old village communities. The old ideals have entirely left us and the new ideals have not percolated down to the masses so as to familiarise them with institutions that have become, as it were, foreign to their genius.

Though I am in agreement with the general principles underlying the Bill and though I am firmly of opinion that the introduction of Village Panchayats will arouse the civic consciousness of the people, I feel that the constitution of the Panchayats in the present form may not be quite acceptable to the generality of the villagers as they are foreign to their notions and traditions. I am not sanguine that the Panchayats instituted under this Bill will evince their usefulness in the cultivation of a better sense of civic responsibility and in the better administration of local affairs. A passage in Mr. Rushbrook Williams's *India in 1920* shattered my high hopes in village Panchayats and made me yearn for a better system of village organisation suited to the temperament and habits of our rural population. He says that

> "the existing institutions of local self-government are to a considerable degree alien from the spirit of the people and although they are striking their roots year by year it is unfair to expect very rapid progress."

The working of Town Improvement Committees and Municipalities here has not created confidence in the people. Even now there is a cry in certain localities that the people are not in need of municipal administration and that they are sick of the comforts gratuitously imposed upon them by an officious Government. I feel that the Regulation and the Rules which will be framed thereunder ought to be shaped

in such a way as to give absolute discretion to the villagers to feel their necessities and to find solutions for them.

Though I am supporting the whole Bill with a feeling of hesitation, I am certainly of opinion that a bold experiment is to be made in the development of local self-government with ample facilities for congenial changes and happy adjustment. By the new experiment, we may be able to evolve a different type of village organisation reflecting the changes and revolutions in ideals as to self-governing republican units in our polity. I am encouraged to support this experiment by the example of Village Panchayats in Baroda. In Baroda, the Village Panchayat was organised in 1902, and for a decade it was only an experiment with disappointing results. In the beginning, every village with a population of 1,000 or more was to have a Panchayat of its own. When the population was less, villages were grouped together under a common Panchayat. The members of the Panchayat were to be not less than five nor more than nine in number—one-half of them to be appointed by District officers and the other half by the cultivators themselves. The *Patel* was to be the president of the Panchayat and the accountant and the school-master, the *ex-officio* members. The supervision of village roads, wells, tanks, schools, *dharmasalas, Devasthanams*, model farms and of all Government common property was to vest in the Panchayats. They were to help the officers in the work of medical relief, and of famine relief in times of emergency, and to co-operate with village munsiffs in settling civil disputes and with sub-registrars in their official work. They were to see that the boundary marks in the fields were kept in order and the village cattle pounds were properly managed. The powers of the Village Panchayats were considerably increased since then and now it is reported that the experiment in Baroda has proved a great success.

We have learnt a good deal from the failures of early Village Panchayats in Baroda and British India and have devised a more liberal and representative system to start with as adumbrated in the Bill. But, at the same time, we have to see that the working of the provisions contained in the Bill does not entail any uneasiness or hardship on the simple villagers who are not familiar with occidental methods of nation-building. The sponsor of the Bill assigns very many powers to the Panchayats under sections 16 and 17 to improve the material, moral and sanitary conditions of the village. There are several villages where all the obligatory duties mentioned in section 16 will be superfluous and distasteful. If each village is allowed initiative to suggest changes, reforms and necessities and if each Panchayat is allowed to follow the wishes of the majority in the performance of obligatory duties, the Regulation can be worked without causing anxiety among the people. For example, clause 8 of section 16 lays down that the enforcement of vaccination is an obligatory duty of a village Panchayat. With due deference to allopathic luminaries, it cannot but be said that there are very many persons who are conscientiously and seriously against the introduction of poisonous vaccine into their healthy bodies.

[Mr. M. R. Madhava Variar.]

It is nothing but unmitigated tyranny to enforce vaccination in the case of persons who abhor it.

Section 47 empowers the Panchayat to levy a cess on land within the village at such rates as may be prescribed by the Government. There is a genuine feeling in the country that the people are already oppressed with too many taxes. They will be prepared to forgo any comfort or luxury in dread of additional taxation. Village Panchayats cannot but be a failure if the sympathies of the people are alienated by imposition of fresh taxation, such as land cess, by civic enthusiasts. I know the people are against any additional taxation. It will be better to have a provision in the Bill that in the matter of initiating reforms costing a huge amount or entailing heavy responsibility or in the matter of levying cesses and rates, a referendum of the voters may be taken so that the villagers may not feel the oppressiveness of taxation. Spoon-feeding of villagers by the councillors will always be disliked. Introduction of the principles of referendum and initiative in our village councils will go a great deal in educating the masses on democratic lines. Until the villagers are able to realise their wants, the Government must be prepared to contribute liberally to village funds and to make Village Panchayats responsible to the people.

The exercise of judicial functions by the Panchayats is bound to enhance the sense of justice and fairplay among the villagers. But to give them unrestricted powers without appeal, or permit them to deal with matters involving questions of law in the very beginning of their existence is neither wise nor expedient. I am of opinion that Government should be very cautious in investing Village Panchayats with judicial functions. With respect to the control to be exercised by the Government over the Panchayats, I have to utter a word of warning. The Government should reserve only those powers which are absolutely necessary for the constitution, preservation and continuation of these corporate bodies and for purposes of arbitration and adjustment in cases of disputes and differences. If Village Panchayats are shackled by rigorous Government control, they will not progress rapidly and effectively and will not display a keen sense of responsibility and corporate activity. The interference of the Registrar coupled with the advice which he gives to the local bodies may often completely deprive the Panchayats of all initiative and creative tendencies. Mr. Rushbrook Williams remarks thus in his *India in 1920.*

"Moreover, for the last 25 years, the self-governing institutions have been administered very largely by a highly competent official agency able and willing to relieve the non-official members of such small responsibilities as were actually allotted to them. In consequence, the institutions of local self-government in India have in large measure failed to enlist the services of that class of public-spirited men conscious of their ability to wield power when it is entrusted to them, upon which the system depends so largely for its success".

In Mysore, the local boards and municipalities were developed in 1916 and it is found now that the reconstituted bodies, have not shown

sufficient vitality for want of guidance and for other reasons. So a senior officer of the State is deputed to tabulate and bring to the notice of the Government all the deficiencies in the administration of the local bodies and to propose remedies necessary for the reorganisation of the scheme. In the place of a Registrar to advise and control the local boards I suggest that a Board of Local Self-government on the lines of the Ministry of Health in England may be appointed to supervise the working of these institutions. The Sanitary Commissioner assisted by a standing committee of this Council or of the representatives of the various Panchayats will be able to guide the Panchayats properly and to co-ordinate their work. A mere executive officer like the Registrar of Joint Stock Companies or the Register of Co-operative Societies cannot adequately infuse enthusiasm into these local bodies with enthusiasm or formulate broad policies in the administration of local affairs.

We cannot at present forecast the success or failure of this measure, unless we have an inkling of the rules which may be passed hereunder for the efficient working of the Regulation. It will be really useful to draft the rules under various sections and to leave the Bill and the rules together for the consideration of the Select Committee. Very often the high principles enunciated in the Regulation are whittled down by the rules which the Government are authorised to make. As it is a very important measure which requires the earnest consideration of this House, I request the Government to afford the Council an opportunity to discuss the important rules which they propose to frame in reference to this Bill.

With these few observations and with the full belief that these points will be considered by the Select Committee, I support the Bill.

The Council rose for lunch at 2-17 P. M. and re-assembled at 3-15 P. M.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, I have very great pleasure in supporting the motion for the Bill being read in Council. It appears to me that, if this measure is placed on the statute book, the present Council might feel very proud of its achievement, even if it has not got anything else to its credit. The potentialities for good underlying this measure are not sufficiently realised. The bulk of the people in Travancore live outside the municipal areas and any statutory measure intended to advance the interests of the population in general in the matter of sanitation, education and communication, ought to command the whole-hearted approval of this House. It has been said that, owing to the existence of communal jealousies and misunderstanding, the work of these Village Panchayat institutions is not likely to be very satisfactory. I ask, Sir, do not our friends in this Council, the elected representatives of the people, owe a duty to their electorate in educating them, in helping them to realise that the interests of the country on the whole should be paramount over considerations of caste, creed or religion? The improvement of civic consciousness on the part of the rural population will

[Mr. T. K. Velu Pillai.]

certainly help the electorate in the coming elections to choose between possible candidates for election to the Legislative Council and return representatives who, they believe, will best represent their real interests in the Council. That is one aspect in which the question has to be viewed. Apart from the solid material benefits that the villagers will derive from the passing of this Bill, the educative value of this piece of legislation is considerable, and I have no doubt that, after the measure is worked for some years, we shall be in a position to realise the full significance underlying the measure that is now before the House.

I do not think that Mr. Subba Aiyar himself pretends that the measure is absolutely a perfect one, and I do not think myself that there is no scope for considerable improvement in the Bill itself. I have no doubt that the different points suggested will receive due consideration at the hands of the Select Committee.

It appears to me, Sir, that, for the success of the measure, two conditions are essential—one, a sound financial position and the second, absolute autonomy. As regards financial conditions, I cannot appreciate people who say: "Let Government give us a portion of the general revenues and we will run it". People who want to improve local conditions will and should certainly be prepared to tax themselves within certain limits. At the same time, I do recognise that Government also owe a duty to these rural institutions to finance them at the outset of their career. I would go further and say that these institutions should depend for their existence on an assurance by the Government of financial support. There ought to be a statutory provision in the Bill itself under which the Government should be bound to contribute a certain portion of the expenditure which these Village Panchayat institutions will have to incur. At any rate, the minimum contribution by Government ought to be defined in the statute itself. Government do not therefore disqualify itself from making a larger contribution. That will depend upon the requirements of the different localities, their resources and the general financial condition of the State.

I feel that this is a measure that does not require any eloquent advocacy to commend itself to the members of this House—to my friends on this side of this House. After all, when we are talking of responsible government, we should not ignore the fact that responsible government in the larger sphere of the nation should be preceded by considerable experience obtained in running local institutions, whether they are Village Panchayats or Municipal Councils. No doubt, there is the desirability of bringing in intermediate institutions like Taluk Boards and District Boards. But the non-introduction of a measure creating these institutions will not be in itself an argument against the acceptance of the measure before the House. I support the motion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I beg to ask Mr. Krishna Aiyangar whether he is in favour of a taluk officer overriding the decision of a Village Panchayat.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That question is not before the House. And I do not feel the necessity for answering any gratuitous assumption as to what provision would be made in regard to that later on. There is this Council. I myself believe that it will be open to these village institutions to bring to the notice of this Council the undesirability of retaining a sort of officers whose status and position certainly would not be consistent with the self-respect of these institutions in the matter of being overruled. This is a matter of detail. At present, we are concerned only with the desirability or otherwise of creating these institutions and giving them a statutory basis. Viewing them in that light and without allowing my judgment to be warped by extraneous considerations, I have not the slighest doubt in my mind that the Village Panchayat institutions are precursors of untold blessings to the peasantry and the population at large.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Is the Deputy President aware that there is a provision in the present Bill which virtually lays down that an officer of Government is competent to override the decision of a Village Panchayat?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): When I pleaded for autonomy, I was thinking of two factors, one a wise guidance by people who have gained administrative experience, and the other an entire absence of any unsympathetic interference with the judgment of these institutions. Even when these institutions may go wrong in a matter of detail, they must be allowed to commit mistakes and learn. If we are told that the country is not ripe for it, when shall we be ripe for it? When this Council was started, there was an apprehension on the part of some people that it was going to wreck the country. I do not think that their apprehensions have been realised. We shall be never fit for anything unless we put our hand to it, commit mistakes and become wiser and ask for modifications to the statute. That is the light in which, as I said at the outset, I view the present Bill: and I do not say that it is an absolutely perfect measure, but I consider it as a first instalment of an earnest attempt made in the direction of creating village institutions and therefore welcome it whole-heartedly.

MR. K. DOMINIC TOMMAN (*Peermade cum Devicolam*): Sir, in supporting the principle of the Bill, I beg to observe that the provisions in the Bill relating to the village fund are not very happy. The people in Travancore are already over-taxed

PRESIDENT: A little louder, please.

MR. K. DOMINIC TOMMAN (*Peermade cum Devicolam*): In municipalities, the people, especially in the suburbs, are dissatisfied in that they do not realise benefits in porportion to the numerous taxes they pay. Except in Nanjinad, the *pakuthi* in Travancore is a contiguous and extensive village. The area of many *pakuthies* is 50 to 100 square miles. So the benefits contemplated by the Bill may not be

[Mr. A. Hoogewerf.]

realised by the villagers in such big *pakuthies*. In such cases, it will be very hard to impose additional taxes and cesses on these villagers. By the Royal Proclamation, people are assured that land tax will not be enhanced for thirty years from the date of the settlement. And people are likely to misunderstand the intentions of the Government if any more tax is levied on land. So, I would suggest that a certain percentage of the land tax collected in each *pakuthi* be given to the Panchayat as Government contribution.

Mr. T. K. Velu Pillai has shown how difficult it will be to find competent members to serve on the Village Panchayats in our villages. But I am afraid that even the few members that the Government may find in the villages will be scared away by the provisions of section 57 of the Bill. Any member of a Village Panchayat may be removed for misconduct or gross negligence; but he should not be made liable for acts done in his official capacity. With these observations, I support the principle of the Bill.

MR. A. HOOGEWERF (*Nominated*): Sir, I also support the principle of the Bill, but with big reservations. A great deal has been said about the failure of the administration of municipalities. There is much of truth in it. The percentage of attendance quoted by Mr. T. K. Velu Pillai is very disheartening and the report that we heard about municipal administration is also not very reassuring. The fact that we see so many empty chairs here today in spite of this important Bill being discussed here, which concerns very much the interests of the people down to the villager, is also a sad commentary on the Legislative Council. All the same, these are not reasons why we should give up municipal administration or the Legislative Council. These are mistakes that are bound to happen in the initial stages of all popular institutions. A great deal was said against the Panchayat Judges who would be corrupt. Some time ago, our own Judges and Magistrates were very corrupt; but those days are past. We have now got a very pure Judiciary and Magistracy. So, it is time that we ask for these changes. But there is a tendency to copy most of the things or nearly everything that is in British India, without taking note of local conditions. I heard a great deal said about the villages. Mr. T. K. Velu Pillai rightly said that the village in Travancore is different from that in British India. There, it is a compact unit where all live together in houses constructed in one row. Here we live scattered all over the place, and the village is *non est*. It is all an open country. Of course, there is a great deal of difference in regard to Nanjinad, as Mr. Daniel pointed out. As regards Nanjinad and Shencottah, the villages are like those in British India; but, in Travancore as a whole, as Mr. Nidiry said, there is no village of the compact form that obtains in British India.

Now, the most important thing that has been stressed is the financial condition of these institutions. As rightly observed by my friend

Mr. G. Paramesvaran Pillai, and Mr. Krishna Aiyangar, the Deputy President, unless we place these administrations on a sound financial basis, they are sure to collapse and we shall be building our houses on sand. That is the crux of the whole matter. Now, how are we going to manage the Village Panchayat institutions? How are we going to raise funds? People are already over-taxed, almost to the breaking point. Are we going to tax them again? After all that is said and done, what is the tax that we are going to get out of them? It is like getting blood out of stones; you may get a few hundred rupees. The Government said: "We would double the amount that we get from them". Well, that is an aspect of the question which I think has to be seriously considered. Local self-government and all such things are absolutely sound in principle. We cannot come up to perfection all at once, and we must tumble like little children before they stand on their feet. A man who first tries to learn to swim has often to drink a lot of water before he is able to keep himself afloat and move along. But, as rightly observed by my friends, the keynote of the whole scheme is the financial aspect of the question, and I take it that, when the Bill is taken up by the Select Committee, this important question of unnecessary duplication of the burden which is near breaking point will be seriously considered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am thankful to the learned Law Member as well as to the Deputy President for the announcement that this measure is in support of the principle of the extension of local self-government to rural areas. But for such announcement, that is to say, had I been left merely to an examination of the provisions of the Bill, it would have been very difficult for me to find out that principle from the provisions thereof. Since the learned mover as well as those gentlemen who are in support of the measure assure the House that it is a step in aid of the extension of local self-government, it is very difficult for anybody to oppose the principle of the Bill, without distrusting such assurance. But, except for the phrase 'local self-government' occurring in connection with the presentation of this Bill before the House, there is very little in the Bill itself to indicate that it is in that direction. The learned mover referred to the representations made at various Sessions of the Sri Mulam Popular Assembly to the effect that the people demanded a share in the matter of local self-government. What must have been the reason that led the people to make this demand, is the first question to be considered. In the present circumstances, it is clear that the necessity arises because the needs of the rural areas are not properly served by the official agency. This is the main conclusion to be arrived at from such demands. Naturally, people in the rural areas think that they would mind their own business if the Government would allow them to do so. That is the meaning of the agitation in support of the principle of local self-government. Government evidently took note of these demands, and my friend Mr. Subba Aiyar, with his characteristic shrewdness, has been at pains to weave a bill out of these demands. He now

[Mr. P. K. Narayana Pillai.]

tells us that the rural areas are at perfect liberty to manage their own affairs controlled by the Government, provided they would raise their own funds to do the needful for themselves. If that is local self-government, I fear the various representatives of the people at the Assembly would certainly have withdrawn these demands put forth by them.

It is first of all not local self-government, for, the various provisions in the Bill now presented to the House clearly indicate the fact that at every turn the so-called corporate body, the rural Panchayat, is to be controlled either by the Government as a whole, or by some officer of Government as isolated. Such a body can never be said to be a self-governing body at all. Further, it may also be seen that the persistent demand with respect to the various necessities in the various rural areas may now be taken as doomed for ever, so far as the Government are concerned. For they indicate that the people of the rural areas must be satisfied by their being authorised to open courts and to tax themselves hereafter for their necessities. The Deputy President says: "If you want local institutions, should you not tax yourself?" Sir, unfortunately, that was not the understanding. Hitherto, the rural areas used to be taxed for all the needs of the State including the local institutions. Hitherto, the rural areas had been sufficiently starved and now we tell them: "You have no concern with the State. You mind your own business." This is rather hard. At this stage, the Deputy President comes and tells us: "You should tax yourself if you want local self-government". Therefore, when my friends Messrs. T. K. Velu Pillai and G. Paramesvaran Pillai pointed out that there must be a *definite* assurance as to the ratio of the contribution from the Government, I thought that a strong case had been made out. My friends pointed out that even excise and land revenue might be handed over to these Panchayats and that they might be allowed to collect those revenues. If the Government are prepared to allow them to collect the revenue on the understanding that the balance after meeting their requirements may be handed over to Government, I think that would prove the sort of trust to be placed in such bodies. Instead of that, what the Government say is that they will determine the ratio the local bodies can claim from Government. Much cannot be placed in the shape of reliance on such assurances even when they are incorporated in the Statute Book. So it is clear that after all the Government are not prepared to allow participation in revenue administration to these local bodies that they are going to create. Government have also said that they are prepared to delegate portions of other administrative functions to these Panchayats. Even such provisions are not above suspicion—I beg to be excused for the expression which I use—for no Village Body or Panchayat is at liberty to take cognisance of cases with which any Government servant has anything to do. Let us take the case of an ordinary *Masappad ka an* who is entrusted with the task of realising land revenue—a man getting Rs. 6 or Rs. 7 a month. Suppose his

cow is responsible for an offence under the Cattle Trespass Regulation, which the local Panchayats are given the power to administer. In such a case, if the offender happens to be a paid servant of the Government, even a person of the status of the Deputy President, who may happen to be the President of the Panchayat Court, will have absolutely no power to take cognisance of the offence of such a *Masappadikaran*. Again, note that even the richest man in the locality, who is not a Government servant, is liable to be proceeded against by the local Panchayat, while even low-paid Government servants are not under its jurisdiction. That clearly indicates the extremely unsubstantial nature of the powers that the Government are prepared to confer on these Village Panchayats and the status that the Government are prepared to invest such bodies with.

Then again, Government have also taken care to see that the Village Panchayats do not exercise any jurisdiction over any European offender. I ask, why? The European has not been excluded from voting at the elections to the local Panchayat.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): We have no power to legislate with reference to them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But, I say it is iniquitous, and it would be clear from the following facts. The Bill does not prohibit Europeans resident in the locality from taking part in the election of members. A European resident may get any man he likes into the Panchayat as member and at the same time he himself would be immune from the proceedings of the Panchayat. On the face of it, it is iniquitous.

Secondly, I beg to submit that I do not at all care for the glory of exercising anything like jurisdiction over European gentlemen. But for the stability and proper conduct of the institutions, it is better that European gentlemen also are brought under the jurisdiction of these Panchayats. It is for the purpose of stabilising these local bodies that I maintain that the curtailment of jurisdiction as against European residents in the localities is not a very wise step. I consider the existence of a few European members in this Council as a source of strength to the Council. Viewed in that light, I would suggest that it is better that Village Panchayats be constituted for European gentlemen as well, and that the jurisdiction against Europeans also be conceded in favour of the Panchayat.

Then again, Government, as I said, seem to be in a very dubious position with respect to the competence of the body that they propose to create. Apart from that, I am not able to understand the other provision prohibiting legal practitioners from appearing before the Panchayat. I do not know if it is due to the fear that the legal practitioner will be a source of bewilderment to the members of the Panchayat. If that is the reason, evidently in the rural parts of the State, only persons who have not got any grasp over the law that they are going to administer can become members of the Panchayat. I

[Mr. T. Kumara Pillai.]

think a measure of that description is not entitled to succeed at this distance of time. Of course, so far as Mr. Subba Aiyar is concerned, he himself told us that, in point of literacy, Travancore is not backward. That being the case, I do not see any reason why the legal practitioner should be considered to be a bugbear or a vampire.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): He will be a burden.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is for the party to consider. Whether to go in for the luxury of a legal practitioner or not is the outlook of the party. It cannot be the outlook of the court. In the Punjab, we heard that, when martial law was in full swing, legal practitioners were not allowed to step in. That is the only occasion in recent years on which we heard of prohibition against legal practitioners. That also indicates the sort of mentality which the Government have with respect to the nature of the Panchayat that they are going to bring into existence.

With respect to civil jurisdiction, even the Madras Village Courts Act—Act I of 1886, if I recollect correctly—lays down provisions for the rectification of errors liable to be committed by Village Courts, so much so, that the District Munsiffs and District Judges have got authority to interfere in cases where they see that these bodies go wrong. I do not see any such provision in our village Panchayat Regulation. I would submit that, in view of the practically incompetent nature of the body that we are going to set up, sufficient provisions and safeguards are necessary.

I think I have already touched upon the point of finance. That point has already been pressed by my friends, especially by Mr. G. Paramesvaran Pillai; and I am in full sympathy with what he has given expression to on that subject. With these observations, I would submit that this Bill may go to the Select Committee, but to be *thoroughly* recast from the standpoints urged so that it may become a legislation of utility to the people at large. The provisions of the Bill, as they are at present, do not warrant the Bill being sent up to the Select Committee at all. However, in the hope that the whole thing will be reframed by the learned mover of the Bill himself, I am of opinion that it may be allowed to go to the Select Committee.

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): ഇപ്പോൾ കൊണ്ടുവന്നിരിക്കുന്ന വില്ലേജ് പഞ്ചായത്തുബില്ലിന്റെ ഉദ്ദേശ്യകാര്യവിവരണത്തിൽ അതിന്റെ ആവശ്യകതയെപ്പററി പ്രധാനമായി പറഞ്ഞിട്ടുള്ളത് ഉൾനാട്ടുകളിലുള്ള ജനങ്ങളെ പ്രദേശികമായ സ്വാതന്ത്ര്യഭരണം പരിശീലിപ്പിക്കുന്നതിനും അതിലേക്ക് അവരെ പ്രാപ്തന്മാരാക്കിത്തീർക്കുന്നതിനും വേണ്ടിയിട്ടുന്നാണ്. ഇങ്ങനെ ഈ ബില്ലിൽ അന്തർഭവിച്ചിട്ടുള്ളതായി പറയുന്ന ഈ മൂലതത്വത്തെ ഞാൻ ആദരിക്കുന്നു.

ഈ ബിൽ ഏറനാട്ടിലുള്ള ജനങ്ങളെ നേരിട്ടു ബാധിക്കുന്നതുകൊണ്ടും, ഞാൻ ഏറനാട്ടിൽനിന്നു വന്നിട്ടുള്ളതുകൊണ്ടും, ഇതിനെപ്പററി പല മാന്യന്മാരോടും സംസാരിക്കുന്നതിനും, വാദിക്കുന്നതിനും, അവരുടെ അഭിപ്രായങ്ങൾ അറിയുന്നതിനും ഇടയായിട്ടുണ്ട്.

൯-ാം അദ്ധ്യായത്തിൽ വില്ലേജ്പഞ്ചായത്തുകൾ നടത്തേണ്ട ജോലികളെപ്പററി ൧൬-ാം വകുപ്പിൽ വിവരിച്ചിരിക്കുന്നു. ൧൬-ാം വകുപ്പിൽ വിവരിച്ചിരിക്കുന്ന പല കാര്യങ്ങളിൽ വില്ലേജുകളിലുള്ള ആരോഗ്യരക്ഷയും, അവിടത്തെ രോഗവസൂരിപ്രയോഗവും മാത്രമേ ഏറനാട്ടിലെ ജനങ്ങൾക്കു വേണ്ടി ഗവർമ്മെൻറിൽനിന്നും കൈക്കൊണ്ടു നടത്തിപ്പോരുന്നുള്ളൂ. അതിൽ പറയുന്ന മററു കാര്യങ്ങളെപ്പററി അന്വേഷണമില്ലാതെ അവിടെയുള്ള ജനങ്ങൾ സങ്കടങ്ങൾ അനുഭവിച്ചുപോരികയാണു ചെയ്യുന്നത്. ഏറനാട്ടുകളിലുള്ള പല ഗ്രാമങ്ങളും അധികൃതന്മാർ ചെന്നിരിക്കാൻ ഇടയില്ലാത്തതുകൊണ്ട് അവിടത്തെ പരമാർത്ഥമായ സ്ഥിതിയും അറിയാൻ തരമില്ലാത്തതാണ്. അവിടത്തെ ജനങ്ങൾക്കു കുടിക്കുവാനോ കുളിക്കുവാനോ നല്ല ജലമില്ല. ശുദ്ധീകരണവും അതിൻെറ ഗുണവും അവിടെയുള്ളവർക്ക് അനുഭവിച്ചറിയാൻ ഇടയായിട്ടില്ല. അവരുടെ കുട്ടികളെ വിദ്യാഭ്യാസം ചെയ്യിക്കാൻ ആവശ്യം വേണ്ടതായ സൗകര്യങ്ങൾ അവർക്കില്ലാതിരിക്കുന്നു. സുഖക്കേടുകൾ വന്നാൽ അവർക്കു മരുന്നു കിട്ടാൻ സാധ്യമല്ലാതിരിക്കുന്നു. പകർച്ചരോഗങ്ങൾ വന്നാൽ, അവരുടെ കന്നുകാലികൾക്ക് അങ്ങനെയുള്ള അവസരങ്ങളിൽ കിട്ടിവരുന്ന ശുശ്രൂഷകൾപോലുമില്ലാതെ അവർ മരിക്കുന്നു. ഇതിനുള്ള ദൃഷ്ടാന്തങ്ങൾ പറയാൻ പ്രയാസമില്ലാത്തതാണ്. സ്വല്പകാലങ്ങൾക്കുമുമ്പു തെക്കൻ തിരുവിതാംകൂറിലെ ഏറനാട്ടുകളിൽ മസൂരിരോഗം കലശലായി ഉണ്ടായിരുന്നു. ആ സമയത്ത് അവരെ അന്വേഷിക്കാനോ അവർക്കു വേണ്ട സഹായങ്ങൾ ചെയ്തുകൊടുപ്പാനോ അധികൃതന്മാരെ ആ ദിക്കിൽ കാണാനില്ലായിരുന്നു. ഈ സങ്കടാവസ്ഥയെപ്പററി ഞാൻ തന്നെ ഇവിടെവന്നു ദിവാൻജി അവർകളോടു പറയേണ്ടിവന്നു. സർക്കീട്ടിലിരുന്ന സാനിട്ടറി കമ്മീഷണർക്കു കമ്പി അടിച്ച് അദ്ദേഹത്തോടു പറഞ്ഞയച്ചു. പിന്നത്തെ കഥ അതിലും വിശേഷമായിരുന്നു. ചുരുക്കിപ്പറയുന്നതായാൽ, ചില ഗ്രാമങ്ങളിൽ മരിച്ചുപോയവരുടെ പ്രേതങ്ങളെ കാലാകാലങ്ങളിൽ മറവുചെയ്യുന്നതിനുപോലും സാധിക്കാതെ ജനങ്ങൾ പലസങ്കടങ്ങളും അനുഭവിക്കേണ്ടതായി വന്നിട്ടുണ്ട്. ഈ സ്ഥിതികളെ പരിഹരിക്കാനായിട്ടാണ് ഈ ബിൽ കൊണ്ടുവന്നിട്ടുള്ളതെന്ന് ഈ അവസരത്തിൽ സമാധാനം പറയാവുന്നതാണ്.

[Mr. T. Kumara Pillai.]

എന്നാൽ വില്ലേജ് പഞ്ചായത്തുകൾക്ക് ഈ വക ജോലികൾ നടത്തുന്നതിനുള്ള പണത്തെപ്പററിയാണ് ഇനി ചിന്തിക്കാനുള്ളത്. ഇതിലേയ്ക്ക് ഈ ബില്ലിൽ ൪൫, ൪൬, ൪൭ ഈ വകുപ്പുകളിൽ പല വഴികളും നിർദ്ദേശിച്ചിരിക്കുന്നു. അതിൽ ൪൭-ാമത്തെ വകുപ്പിൽ അവിടെയുള്ള ഭൂമികൾക്ക് ഒരു നികുതി ചുമത്താമെന്നുകൂടി നിശ്ചയിച്ചു കാണുന്നു. അത് ഒരിക്കലും ന്യായമായിരിക്കയില്ല. വില്ലേജ് പഞ്ചായത്തുകൾ ഏർപ്പെടുത്തുന്ന സ്ഥലത്തെ ജനങ്ങൾ ഭൂനികുതിയായും മററു വഴികളിലായും കൊടുത്തുവരുന്ന നികുതിഭാരങ്ങളിൽനിന്നും അവർക്കു അത്യാവശ്യമായ സുഖസൌകര്യങ്ങൾക്ക ന്യായമായ ഒരു ഓഹരി ചിലവാക്കേണ്ടതു ഗവർൺമെൻറിൻെറ കടമയാണ്. ഈ കടമയെ സാധിച്ചുകൊടുക്കാതെ അതിൽനിന്നും ഒഴിയുന്നത് ഒരിക്കലും ന്യായമായിരിക്കയില്ല. ഉൾനാട്ടിലെ ജനങ്ങൾക്ക മററുള്ളവരെപ്പോലെ സുഖസൌകര്യങ്ങൾ അനുഭവിക്കണമെങ്കിൽ അതിലേക്ക് അവർ പ്രത്യേകം പണമുണ്ടാക്കിക്കൊള്ളേണ്ടതാണെന്ന് എൻെറ മാന്യസ്നേഹിതന്മാരിൽ ചിലർ അഭിപ്രായപ്പെട്ടിരിക്കുന്നു. ഉൾനാട്ടിലെ ജനങ്ങൾ കൊടുക്കുന്ന നികുതിഭാരത്തിൻെറ ന്യായമായ ഒരു ഓഹരി അവർക്കുവേണ്ടി ചിലവാക്കിയതിൽ പിന്നീട് അവരുടെ കൂടുതൽ സുഖസൌകര്യങ്ങൾക്ക് അവർ കൂടുതൽ പണം ഉണ്ടാക്കിക്കൊള്ളേണ്ടതാണെന്നുള്ള തത്വം ന്യായമാണെന്നു കരുതാവുന്നതാണ്. അങ്ങനെ ചെയ്യാതെ വില്ലേജ് പഞ്ചായത്തുകളുടെ നടത്തിപ്പിനുവേണ്ടി അവിടെയുള്ള ഭൂമികൾക്ക് ഒരു പ്രത്യേക നികുതികൂടി ചുമത്തുന്നത് ഒരിക്കലും ന്യായമായിരിക്കുന്നതല്ല.

൪൫-ാമത്തെ വകുപ്പിൽ ൮-ാമത്തെ ഖണ്ഡത്തിൽ വില്ലേജ് പഞ്ചായത്തുകൾക്ക ഗവർൺമെൻറിൽനിന്നും ഒരു തുക കൂടി കൊടുക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതായി കാണുന്നു. അങ്ങനെ ഗവർൺമെൻറു കൊടുക്കാൻ ഉദ്ദേശിക്കുന്ന തുകയെ ആ വകുപ്പിൽ വ്യക്തമായ ഭാഷയിൽ വിവരിച്ചു പറയേണ്ടത് അത്യാവശ്യമായിരിക്കുന്നു. മുനിസിപ്പാലിററികൾക്ക ഗ്രാൻറുകൊടുക്കാമെന്നു മുമ്പു ഗവർൺമെൻറിൽനിന്നും സമ്മതിച്ചിട്ടുണ്ടായിരുന്ന നയത്തെ ഭേദപ്പെടുത്തി അവർതന്നെ പണമുണ്ടാക്കി ചിലവാക്കിക്കൊള്ളണമെന്നും ഗവർൺമെൻറു പണം അതിലേയ്ക്കു ചിലവാക്കാൻ പാടില്ലെന്നും വന്നിരിക്കുന്നു. അതുപോലെതന്നെ ചന്ത റഗുലേഷൻ നിയമസഭയിൽ ഹാജരാക്കിയ കാലത്തു മിസ്റ്റർ ടി. കെ.

വേലപ്പിള്ള അതിനെ എതിരുത്തു വാദിച്ചപ്പോൾ സർക്കാരിൽനിന്നും കിട്ടുന്നപണം മററുകാര്യങ്ങൾക്കു വിനിയോഗിക്കയില്ലെന്നും, ആ വക പണം മുഴുവനും അതുകളുടെ അഭിവൃദ്ധിക്കായിത്തന്നെ ചിലവാക്കാനാണ് ഉദ്ദേശിച്ചിട്ടുള്ളതെന്നും ആ കാലത്തു സമാധാനം പറഞ്ഞിട്ടുണ്ടായിരുന്നു. ആ കാലത്ത് അങ്ങനെ സമാധാനം പറഞ്ഞു എങ്കിലും, ആ അഭിപ്രായം ഇപ്പോൾ മാറി ഒരിനത്തിലുള്ള വരവിനെ ആ ഇനത്തിനു തന്നെ ചിലവാക്കണമെന്നുള്ള നയം ഗവർൺമെൻറിനു സ്വീകരിക്കാൻ പാടില്ലെന്നു വന്നിരിക്കുന്നു. ഈ ദൃഷ്ടാന്തങ്ങൾകൊണ്ടു ഗവർൺമെൻറിൻറെ നയങ്ങൾ ഓരോ കാലങ്ങളിലേയും സൌകര്യങ്ങൾപോലെ മാറി വരുന്നു എന്നു സമ്മതിക്കാതെ തരമില്ല. അതിനാൽ വില്ലേജ് പഞ്ചായത്തുകൾക്കു ഗവർൺമെൻറു കൊടുക്കാമെന്നു സമ്മതിക്കുന്നതായ തുകയെ ആ വകുപ്പിൽ വ്യക്തമായി പറയാതിരിക്കുന്നപക്ഷം കാലക്രമംകൊണ്ട് അവയുടെ നടത്തിപ്പിന് അതാതു സ്ഥലങ്ങളിലെ ജനങ്ങൾ തന്നെ പണമുണ്ടാക്കിക്കൊള്ളണമെന്നുള്ള നയം സ്വീകരിച്ചുകളയുമെന്നുള്ള ഭയം പലർക്കും ഉള്ളതാണ്.

മറെറാരു കാര്യം എനിക്കു പറയാനുള്ളത്, ഇപ്പോൾ ഉൾനാടുകളിൽ ജാതിസ്പർദ്ധ മിക്കവാറും ഇല്ലാത്തതാണ്. അവിടത്തെ സ്ഥിതിക്ക് എല്ലാജനങ്ങളും ഐകമത്യത്തോടുകൂടി പെരുമാറാതെ തരമില്ല. അവിടെ ബ്രാഹ്മണനു പുലയനും, പുലയനു ബ്രാഹ്മണനും, നായർക്കു ക്രിസ്ത്യാനനും കൂടാതെ കഴിഞ്ഞുകൂടാൻ പ്രയാസമാണ്. ഇങ്ങനെ കഴിഞ്ഞുകൂടുന്നതായ ഉൾനാടുകളിൽ, വില്ലേജ് പഞ്ചായത്ത് നിയമം അനുസരിച്ച് വരുന്നതോടുകൂടി, പട്ടണങ്ങളിൽ പ്രചരിച്ചിട്ടുള്ള ജാതിസ്പർദ്ധ പടർന്നുകൂടാതിരിക്കത്തക്കവണ്ണം വേണ്ട കരുതലുകൾ ഉണ്ടായിരിക്കേണ്ടതാണെന്നുള്ളത് എല്ലാവർക്കും അത്യാഗ്രഹമുള്ള സംഗതിയാണ്.

MR. M. N. PILLAI (*Trivandrum*) : Sir, I am sorry I have to oppose the Village Panchayat Bill. The object of this Bill is said to be to foster and develop local self-government in the rural areas of Travancore. First of all, there are no villages proper in Travancore excepting in the few Tamil taluks. The houses are scattered in *pakuthies* and it will be a difficult thing to confine the jurisdiction of each Panchayat to a village. The people can never believe that these institutions are going to benefit them; on the other hand they rightly fear they are going to be burdened with additional taxation on the already overtaxed people. The success of the existing Panchayat Courts, Bench Magistrates' courts, etc., is not at all encouraging and it is in a way a source of trouble to the people. Villagers who are enjoying security from the ever-increasing taxation of local bodies are going to be disturbed from their peaceful

[Mr. C. P. Kochukunju Pillai.]

seclusion and exposed to the vagaries of such local self-governing bodies. I am not opposed to the principle of associating the people with the local administration of their own affairs and nobody will be against it. But my experience of the municipal institutions and Panchayat Courts is so disappointing that I am forced to believe that this Bill will not be useful for that purpose. The difficulties to get a quorum for a meeting even in towns are so great and the difficulty will be greater in country parts. If the clauses relating to the administration of justice and taxation are deleted from the provisions of this Bill, I think I may not have much objection in supporting this Bill. An additional taxation is to be imposed on the people without corresponding benefits being conferred. I am opposed to any kind of taxation whether by local bodies or the Government. With these words, I oppose the Bill.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I rise to support the principle of the Bill. It has been said that the creation of such a recognised or responsible body of men in the different parts of the State has become an absolute necessity. The cause of the poor villagers is always neglected There is neglect on the part of our local officers in the matter of roads, canals, ferries and all such facilities and also in respect of other facilities, in the matter of agriculture and relief from epidimic diseases. Formerly there have been in existence, as has been stated, many Village Panchayats which have now become extinct except in South Travancore, as Mr. Paul V. Daniel has put it; and, also, in former days, the officers were in their circuits halting at places and inviting complaints against the actions of the officers and also investigating local complaints. But in these days all such officers are found to fly away in motor cars. As a matter of fact, even the former Dewans, Mr. V. P. Madhava Row and Mr. Shungrasoobyer used to halt at places, and all the Dewan Peishkars too halted for a day or two, or, in very many cases for a certain number of days, hearing complaints every morning and evening. In these days, such a practice has come to a dead stop and this fact also has necessitated the creation of a responsible body of men in the rural areas.

The need for the development of self-government has also necessitated the creation of such a body of men. The creation of such Panchayats is therefore a matter to be welcomed by this Council. The two reasons put forward regarding this measure are the fear about further taxation and the fear on the part of the people that all the money now allotted for the works which the Government ask the Panchayat to carry out will not be placed at the disposal of the Panchayat. As for further taxation, it is a matter to be considered in detail, an unknown factor more or less depending upon the circumstances or the nature of the works and so on.

Coming to the financial provisions, I do not agree to clause 8 of section 45, as it is. This would make us believe, and Mr. Subba Aiyar has told us, that the Government will be pleased to place at the disposal of the Panchayat only such sum as will be equal to the money that

is being collected by the Panchayat itself. That is not enough. The wording of this clause should be definite. A definite sum has to be fixed, taking into consideration the money that is now available for the purposes contemplated in the Bill.

In regard to certain other provisions also, there is a difference of opinion, and they too require reconsideration. The duties of the Panchayat, as has been mentioned, are either obligatory or discretionary. While the construction and maintenance of village communications, cleaning of streets, supply of drinking water, control of cattle-pounds and enforcement of sanitation and vaccination are included in the category of obligatory duties, primary education, street lighting, the improvement of agriculture and the promotion and encouragement of cottage industries are classed among discretionary duties. I submit this is not enough. The improvement of agriculture included in the category of discretionary duties must be in the list of obligatory duties. Again, it is stated that it is open to the Government to empower the Panchayat to exercise the powers and discharge the functions of an Irrigation Board. I am of opinion that the functions of an Irrigation Board have also to be included in the list of obligatory duties.

The non-engagement of Vakils in criminal or civil cases has also to be reconsidered.

Clause 61 says:

"Our Government may by a notification in our Government Gazette delegate any of the powers vested in them under this Regulation to any officer of and above the rank of a Division Peishkar or to any local authority."

I am of opinion that the words "to any local authority" have to be deleted from the Bill.

PRESIDENT: Local authority does not mean an officer, but is intended to refer to a District Board or some such body that might be created.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Then I have no objection to the words being retained.

Then again there are certain other provisions in the Bill requiring reconsideration. With the hope that all these provisions will be thoroughly discussed in the Select Committee, I support the principle of the Bill.

MR. M. K. KHADIR PILLAI (*Nominated*): I rise to support the Bill before the House. I do not think that this Bill will, as apprehended by some members, give room for embittering communal feelings. I know that some of these Municipalities that have been in existence for more than 15 years are not levying all the taxes and that Government are not pressing them to do so. I am of opinion that, if this Bill becomes law, it will be welcomed and prove beneficial. I hope that the Select Committee will carefully consider the points already urged in respect of the Bill.

MR. T. LAKSHMANAN PILLAI (*Nominated*): Sir, I rise to support the principle of the Bill. I do not endorse every one of the provisions at present made in it. A period of probation is certainly

[Mr. S. Subrahmanya Karayalar.]

necessary for the village people who have not yet been acquainted with western methods of self-government, to enable them to successfully and satisfactorily tackle the problems of village self-government on up-to-date lines. But village self-government is not a new thing in India. It was known and practiced by the ancient Hindus. In South India, it was known to the Tamilians at the time of Kulottunga Chola, in A. D. 1086. It was general throughout South India from the 10th century A.D. "Each village", says the South Indian historian, "was a self-governing unit and had its general assembly which annually elected the executive body of the village known as the Great Men of the Village. Besides these, there were several working committees for looking after the various branches of village administration. Precise rules governed the election of members to the various bodies of the village." It will not be contended that a system which was in vogue several hundreds of years ago would be unsuitable at the present age and in such a country as Travancore. The provisions, it seems to me, which have to be worked with caution, are, as has been pointed out by some friends here, those relating to the financial and the judicial functions. The Village Panchayat need be invested with judicial powers only in cases and places where men prove themselves fully competent to wield them with benefit and advantage. As for financial help, it goes without saying that the people will have to contribute for whatever good they desire to enjoy. I submit it would be only fair for the Government to set apart a fixed contribution from the general revenues for utilisation by the Panchayat in cases where the objects for which it is utilised are identical with those served by the departments of Government. Here the advantage is that the amounts will be spent with a better eye to the needs of the village and the work done more cheaply and satisfactorily than otherwise.

The other advantages accruing from the working of the village Panchayat are incalculable. The great points are the opportunity it would afford for popular education in the matter of local self-government and the evolution of civic consciousness. The value of these institutions as authentically representing the needs and grievances of the local people and the help they would render to administration in general are too great to be ignored by Government. I am not forgetful of the fact that there will be grave mistakes in the initial stages, but we would willingly run that risk under the principle that it is better to do five things and make two mistakes than to do nothing at all and make no mistake.

If the Bill is recast with due modifications after reconsideration by the Select Committee, I have no doubt that it will inaugurate an important era in the advancement of the people towards self-government.

With these observations, I support the principle of the Bill.

MR. S. SUBRAHMANYA KARAYALAR *(Pattanapuram cum Shencottah)*: Sir, I beg to support the Bill in principle, for a more magnificent piece of legislation cannot exist on the face of the earth

than this Bill; for, it attempts to give power to a unit of the State. But with regard to the details of the Bill, the *pros* and *cons* may be discussed in detail and proper solutions be arrived at.

I am not a lawyer and so I cannot talk like a lawyer. I am a businessman and so I must look at the Bill from a business point of view. A businessman never expects to obtain profit without an investment. From the business point of view, the idea of looking upon the Government as the sole source for providing funds for all our comforts and necessities strikes at the root of peoples' ambition for self-government. If people require self-government, they must necessarily find sufficient funds for working it up.

If small units of government such as Village Panchayats, municipal bodies, Taluk Boards and District Boards are formed and made self-supporting, then the general revenues which fill the coffers of Government may, with advantage, be utilised for purposes which benefit the mass of the population as a whole.

The Village Panchayat is nothing but a combination of the management of several houses of which the village is composed and the expense of which is met by the headmen of the houses.

As England expects every man to do his duty, it is high time to expect every village to look after itself leaving the Government time to look after the general management of the country and freedom to utilise the general revenues for concerns affecting the masses.

Under the above circumstances, I strongly support the Bill in principle, the details being considered in due course.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I shall make a few remarks with reference to some of the observations made by the non-official members of the Council in connexion with this Bill. The first attack made against the Bill was by Mr. P. K. Narayana Pillai. He had to be told that the Bill is intended for the purpose of fostering and developing local self-government. I did not think that he would be so uncharitable as to say that by a reading of the Bill he could not come to such a conclusion; because, anybody reading the Bill will know that a Panchayat consists of a body elected, which has got absolute powers to collect and dispose of money and to attend to certain duties that are mentioned in the Bill and which has autonomy to a very large extent. The control of the Government mentioned there is simply to help these institutions in their working at the initial stage, and the control may be wholly relaxed after a certain time. Except that, I can say that there is nothing in the Bill which cannot make my friend think that it is brought with a view to foster local self-government.

Then, with reference to other matters mentioned by Messrs. G. Paramesvaran Pillai and T. K. Velu Pillai, they contend that it was promised that the District Board, the Taluk Board and the Village Board would all be simultaneously constituted and that we have only got village Panchayats now and that we do not know what has become of the

[Mr. V. Subba Aiyar.]

others. They say that, unless the powers and duties of all the three are correlated, it will be too early to discuss the present Bill. With reference to that, I may say that I doubt very much whether Taluk Boards will be necessary at all in Travancore seeing that the area is small. Even elsewhere, there is often considerable friction between the Taluk Board and the District Board as to their respective duties and responsibilities, and it is unsafe to have any Taluk Board at all here. Secondly, with reference to the District Board, we must in the first place begin from the bottom, and once we establish the Village Panchayat, if it becomes necessary to have a District Board, we have only to make the necessary provision in the Regulation with respect to the District Boards and amend the Panchayat Regulation itself, if necessary, later on, so that I do not think that it is necessary to have both together. As has already been provided in the Bill, the Panchayat is completely autonomous in itself and is not subordinate to another body which is to be constituted. If such a body was constituted and if such a body exercised any control over the Panchayat, then it would be time to make suitable amendments and make provisions in the Panchayat Regulation itself.

Then with reference to the powers and duties of the Panchayats, I would once again point out that, from the classification as to the obligatory and discretionary duties now made, it cannot be said that there is anything like a hard and fast rule in regard to the provisions of the Bill in respect of them. It is open to the Select Committee to reclassify them and make the discretionary duties obligatory and the obligatory duties discretionary, or impose additional duties of either category. There is specific provision in the Bill to the effect that the Government may empower a Village Panchayat to take up any other duties that they may impose, so that it is sufficiently comprehensive. It is open to a Village Panchayat to take up any other duties.

One of the objections raised by my friend Mr. T. K. Velu Pillai is that there is no such thing as a village here. It has been sufficiently answered by Mr. Kumara Pillai who said that in every village we require medical help, sanitation, etc., irrespective of the fact that the houses may lie at a distance from one another and are not so contiguous as those at Nagercoil or Shencottah. I think this Regulation is absolutely necessary irrespective of the nature of the village.

And then, with respect to the question of taxation, Mr. P. K. Narayana Pillai says. "You better entrust the Panchayat with money and we will administer it." So far as I can see, this is not how self-government is always viewed. In other words, the principle ought to be to say that we will tax ourselves and spend the money.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether any Regulation is necessary for a person to spend his money?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, it is necessary for levying taxes.

So far as the village bodies are concerned, Mr. Kochukunju Pillai and Mr. Paul V. Daniel said that there were *karas* and other associations representing every community and which were levying certain fees or contributions from every member constituting it a common fund so that the common expenditure might be met from that fund. In some places it has perhaps become extinct.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Will Mr. Subba Aiyar tell me how many *kara* associations exist in Travancore now?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said "existed." Mr. Paul Daniel says they existed in South Travancore.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): For all classes of people?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It may be. If particular classes can combine and work up their own interests by contribution, I do not see why the various communities in a particular village cannot work together leaving all communal differences aside. For that purpose, we have *Samuhams* which work for common interests and levy rates from their constituents. A village will have to make some sacrifices. Every year the budget is placed before the Council. I ask the members to seriously consider whether it is possible to allot all the 40 lakhs of rupees under land revenue or the 30 lakhs of rupees under excise to these village bodies. If we do so, how are we to carry on the administration of the State which is absolutely necessary in the common interest of all the subjects of His Highness the Maha Raja?

MR. A. HOOGEWERF (*Nominated*): I beg to know whether the Bill aims at teaching the people self-government, or is a means of devolving financial burden from the shoulders of the Government to the people.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is not intended to devolve financial burden. Year after year, when you go through all the needs that are referred to by the various members of the Assembly, you will find that it is not possible to attend to the needs of a single village by allotting funds for the same. That is not because the Government are unwilling to attend to the needs of that village, but because the demands on the public money are so many that it is not possible to give any substantial relief.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether there will be any probable decrease in the Government staff.

PRESIDENT: It does not arise. It is a matter of detail. It is a hypothetical question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What I said was that, in order that there might be an incentive to the village itself, in order to make the people responsible to themselves, the villagers should be allowed to raise some revenue according to the needs and condition of the particular village, the amount raised being left to the

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entire discretion of the village itself, and that the Government would contribute an equal portion. I daresay my friend Mr. Kumara Pillai raised a strong point when he said that it was not enough if the Government merely said that they would pay. What he wanted was an assurance from the Government as to what they would pay, as to what their contribution would be. I give the assurance and I do not think that there is any objection in putting that in the Bill at the Select Committee stage.

THE REV. FATHER KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): I wish to know whether Mr. Subba Aiyar is aware that the Cochin Village Panchayats have no power to impose fresh taxation, and that they are working successfully.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): To the latter portion I am not able to subscribe. But of the former I am aware. (*Laughter.*)

THE REV. FATHER KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): But still they get on.

PRESIDENT: You cannot make a statement. All that you can do is to put a question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government would contribute a particular amount, an amount equal to that which would be contributed by the particular village.

With reference to the judicial functions of the Panchayat, I may say that the moment a Village Panchayat is created, it does not begin to exercise judicial functions, because the chapter says that Government may, if they consider necessary, empower any Village Panchayat with civil and criminal powers and therefore I beg to submit that it should not give any cause for alarm.

With respect to the question raised by Mr. P. K. Narayana Pillai, regarding the trial of European subjects, I think we are powerless. I do not think that even the Chief Justice of the High Court has any jurisdiction over the European British subjects.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will Mr. Subba Aiyar give an assurance in the case of Government officers, such as Tahsildars and others, that they will be made amenable to the Panchayats?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the majority are of that opinion, you can so modify the Bill.

Then with reference to the appearance of the vakil in the Panchayat Courts, I am strongly of opinion that he should have no place there. The Panchayat is intended to be like an arbitration court and is to decide where a particular man is guilty or not and not to be confronted with abstruse questions of law relating to evidence and other technical things.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Is he aware of any arbitration court in any part of the world which exercises coercive powers inflicting criminal punishments ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : In olden days—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I mean the world of the present day.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : The vakils would make it more costly. We want only mere commonsense men and not trained lawyers. The presence of vakils would tend to protract cases. In the Madras Village Panchayat Act you will find that there is a specific provision—

MR. J. JOHN NIDIRI (*Changanachery* cum *Minachil*) : Is the vakil devoid of common sense ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : No.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I wish to know from Mr. Subba Aiyar whether he has at any time intentionally prolonged a case. (*Laughter.*)

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : If you try to make out the points that are required to prove limitation or to disprove the question of limitation or establish the elements constituting an offence or other circumstances under the technical law, then I say it will be prolonging.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : I wish to know from Mr. Subba Aiyar whether the rules of procedure obtaining in courts are applicable to Panchayat courts.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : No. The Panchayat courts are not to be guided by the ordinary rules of procedure. You will find that they are to be regulated by the rules of procedure that may be prescribed.

PRESIDENT : It is not a section essential to this. It may be considered by the Select Committee.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : It is not absolutely necessary. To my mind, introducing the vakil there will be dangerous to the harmonious working of the Village Panchayat. That is a matter which may be threshed out in the Select Committee. The various other points suggested by the members will also receive due consideration at the hands of that committee.

PRESIDENT : The question is that the principle of the Village Panchayats Bill be accepted.

The question was put to the vote and carried.

The Secretary to the Council then read the title of the Bill.

[President.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that the Village Panchayats Bill may be referred to a Select Committee consisting of the following members:—

1. The Rev. Father Kuriakose Vettikkapalli.
2. Rao Bahadur K. A. Krishna Aiyangar.
3. Mr. M. R. Madhava Variar.
4. ,, G. Paramesvaran Pillai.
5. ,, T. K. Velu Pillai.
6. ,, Paul V. Daniel.
7. ,, C. P. Kochukunju Pillai.
8. ,, S. Paramesvara Aiyar.
9. Rao Bahadur K. V. Rangaswami Aiyangar.
10. Mr. M. Raja Raja Varma.
11. Mr. V. Subba Aiyar.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): I wish to be excused.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): I suggest that Mr. P. K. Narayana Pillai's name may also be included.

PRESIDENT: You may put in Mr. P.K. Narayana Pillai in the place of Mr. K. V. Rangaswami Aiyangar. I appoint the Deputy President as President of the Committee. The Committee will submit its report within three months.

We will now rise and meet again at half-past eleven to-morrow.

The Council adjourned at 4-33 P. M.

S. PARAMESVARA AIYAR,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Tuesday, 30th October, 1923.

(*OFFICIAL REPORT.*)

The Council met in the Victoria Jubilee Town Hall at Eleven Thirty-five of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Revenue from Imports.

13. MR. N. PADMANABHA PILLAI (*Karuhagapalli*): Will the Government be pleased to state the amount of revenue derived by them in each of the last five years by way of duty levied on goods imported into the State through its ports from Quilon to Munambam?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The amount of customs duty derived from the goods imported into the State through its ports from Quilon to Munambam during each of the last five years (1094—1098) is given below:—

Years.			Rs.	Ch.	C.
1094	...	...	8,510	9	1
1095	...	...	11,479	1	11
1096	...	...	17,668	26	14
1097	...	...	32,537	9	4
1098	...	...	28,981	16	11
		Total	94,177	7	9

G. P. T. 1110-310-21-11-99.

[Mr. S. Paramesvara Aiyar.]

Rule 52 of the Registration Rules.

14. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With reference to question No. 88, regarding rule 52 of the Registration Rules, asked at the meeting of the Legislative Council held on the 22nd Karkadakam, 1098, will the Government be pleased to state whether they have arrived at any decision modifying the operation of the said rule?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The question is still engaging the attention of Government.

Rule 52 of the Registration Rules.

15. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): With reference to the answer given to my question No. 88 at the meeting of the Legislative Council held on the 7th August, 1923, will the Government be pleased to say whether any orders have been passed by them on the subject of amending rule 52 of the Registration Rules?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) The member is referred to the answer to question No. 14.

Married Women in the Women's College.

16. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether it is a fact that Mrs. M. O. Varghese, M.A. (Hons.), who was a teacher in the local High School for Girls, was not appointed to the Womens' College as a tutor on the score that she is a married woman?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It was one of the several points taken into consideration in connection with the question of Mrs. Varghese's appointment in the Women's College.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether that view has been considered and treated as a justifiable disqualification on the part of Government in what they have done.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That was not the only matter which weighed with the Government so far as that appointment was concerned.

PRESIDENT: It is not a view. That Mrs. Varghese is a married woman is a fact.

MR. A. HOOGEWERF (*Nominated*): Is there any provision in the T. S. R. prohibiting married women from serving in the Women's College?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No.

MR. A. HOOGEWERF (*Nominated*): Do the Government know that Mrs. Varghese was in the permanent service and that she had put in over two years' service?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) Yes.

MR. A. HOOGEWERF (*Nominated*): Do the Government know that Mrs. Varghese petitioned the Government at the time of the appointment in question setting forth her claims?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Had not Mrs. Varghese offered to stay in the Hostel and serve as a Tutor thereof when she applied for the post?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes, she said so in that petition.

MR. A. HOOGEWERF (*Nominated*): Was there at the time of the appointment in question any urgent need for an unmarried woman to serve as a Tutor in the Hostel?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): One of the items taken into consideration in respect of every woman to be appointed as a teacher in the Women's College is the possibility of her having to serve as Tutor whenever she is called upon to do so.

MR. A. HOOGEWERF (*Nominated*): Has either of the two ladies appointed at the time been serving in the capacity of a Hostel Tutor since their appointment?

PRESIDENT: How are we expected to know that?

MR. A. HOOGEWERF (*Nominated*): Considering that the Hostel is a common institution for all the women's institutions including the Womens' College, the High School for Girls, and the Training School for Women, and that there are nearly a hundred teachers in all these together, do not the Government think it would be easy always to find two unmarried women teachers to serve as Tutors in the Hostel?

PRESIDENT: It is argumentative. I must disallow that question.

MR. A. HOOGEWERF (*Nominated*): Do the Government know that Mrs. Varghese had already served as Tutor in English in the Women's College for about three months?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Do the Government know that Mrs. Varghese has since left the State service, and has been appointed as an Assistant Professor in a First Grade College, *viz.*, the Queen Mary's College at Madras?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

Superintendents of Police and Grave Offences.

17. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(a) the number of grave offences which have been personally investigated by the District Superintendents of Police and the Assistant Superintendents of Police during 1097 and 1098 respectively; and

[Mr. N. Ramakrishna Pillai.]

(*b*) the number of times the District Superintendents of Police and the Assistant Superintendents of Police have attended court to watch the prosecution of grave offences?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The number of grave offences personally investigated by the District Superintendents and the Assistant Superintendents of Police is given below.

There were no Assistant Superintendents in 1097.

			1097	1098
District Superintendent, Trivandrum		...	67	26
Asst. Superintendent, Headquarters,	Trivandrum	...	...	76
Do.	Nagercoil	...	...	34
District Superintendent, Quilon		...	19	28
Asst. Superintendent, Headquarters,	Quilon	...	...	20
Do.	Chengannur	...	...	45
District Superintendent, Kottayam		...	10	12
Asst. Superintendent, Headquarters,	Kottayam	...	...	12
Do.	Perumbavur	...	...	5
District Superintendent, Nagercoil		...	4	...
Do.	Peermade	...	6	...

(*b*) The information has been called for.

Pleadership Class.

18. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether it is a fact that the professors of the Law College were of opinion that the Pleadership classes should be abolished or, at least, the standard of examination for entrance into this class should be raised to the Intermediate examination?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

Government have no information. But the Principal of the Law College was of the opinion that either the Intermediate examination should be made the qualification for admission to the Pleadership class or that three more professors should be appointed to enable separate classes to be held for the benefit of the Pleadership students.

MR. A. HOOGEWERF (*Nominated*): Is there any necessity at all for the Pleadership classes, considering the large number of graduates turned out of the College?

PRESIDENT: You cannot put argumentative questions. You can only put questions to elicit information.

MR. A. HOOGEWERF (*Nominated*): Is there any necessity for Pleadership classes in the Law College?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

Vaikam-Vechur Road.

19. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to say:

(*a*) whether it is a fact that representations have been made in the Sri Mulam Popular Assembly as regards the necessity for improving the Vaikam-Vechur road and connecting it with the Kottayam-Kumarakam road;

(*b*) whether any estimate has been made of the expenditure necessary for this purpose, and, if so, what the estimate is;

(*c*) whether the Government have received any petitions recently from the inhabitants of Vechur about this road; and

(*d*) whether they are prepared to take any action in the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) No regular estimate has been prepared. The complete improvements with bridges and culverts are roughly estimated to cost Rs. 25,000.

(*c*) Yes. They have received a petition and it has been referred to the Chief Engineer.

(*d*) The matter can be considered only after the receipt of the Chief Engineer's reply.

Kaniantodu in Vaikam Taluk.

20. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to say:

(*a*) whether they have received any representations from the people of the Vaikam taluk or their representatives about the opening of a canal at Vaikam known as the Kaniantodu for purposes of cultivation;

(*b*) whether Government have taken any action in this matter; and

(*c*) whether Government will be pleased to order the early execution of the work?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) An estimate for the work is under preparation.

(*c*) Yes.

Undergraduate Teachers in Vernacular Schools.

21. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to state whether the undergraduate teachers teaching English in the vernacular middle schools are given the same scale of pay and the same opportunities for being sent up for training as teachers with the same qualification in English schools and, if not, why?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The minimum qualifications for undergraduate teachers of English in English and vernacular schools are the same; but, in practice, those selected for English schools have better certificates than those appointed to vernacular schools and lower pay is accordingly attached to the latter

[Mr. V. Subba Aiyar]

appointments generally. Teachers of English in vernacular schools are sent to the Training College for training, but necessarily such teachers are sent to the Training College in larger numbers from the English schools.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know what is the standard of distinction adopted in the selection of teachers for the Vernacular schools and English schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): For training?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): No, for appointment. I am referring to the following part of the answer:—"But, in practice, those selected for English schools have better certificates than those appointed to vernacular schools and lower pay is accordingly attached to the latter appointments generally." I ask, what is the standard adopted?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is a minimum qualification prescribed; but so far as the English Schools are concerned, the undergraduate teachers appointed are persons with better certificates than those of vernacular schools, as judged by the marks awarded in those certificates.

Alleged Mismanagement in the Nagercoil Municipality.

22. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to say whether they have received any representations in regard to the Nagercoil Municipality, alleging mismanagement of municipal funds and irregularities in the matter of appointment of subordinates and contractors by the President? If so, have the Government taken any action in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

LEGISLATION

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Revenue Recovery Regulation Amendment Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the main provisions of the Bill are, I believe, not likely to be contentious at all, because the amendments proposed are very few in number and, to my mind, are not of much importance. In the first place, it is proposed to amend section 3 where it is stated that the authority to

collect tax may be the *Proverthear* or the Accountant as may be directed by the Dewan. Till now, the Dewan was the ultimate authority so far as these matters are concerned. It is now proposed to substitute the Land Revenue Commissioner for the Dewan.

Then in section 25 it is stated that the Dewan Peishkar may take up the management of any property attached under the orders of the Dewan. It is proposed to substitute the Land Revenue Commissioner there also. That is to say, if the Land Revenue Commissioner thinks that any particular property attached should be under the management of the Peishkar, he may order that to be done.

The third amendment is in regard to the section which says that, in cases where the Dewan thinks that the Peishkar himself should conduct any sale, he may so order. Here also the Land Revenue Commissioner is put in instead of the Dewan.

Then as regards the power of revision under section 50, it is now restricted to the Dewan alone. Ordinarily appeals lie only to the Peishkar, and the Dewan exercises a power of revision. It is desirable that the Land Revenue Commissioner should exercise some powers of revision in certain cases. And therefore section 50 proposes that the Dewan may delegate some of the functions in certain cases or classes of cases in the matter of revision.

Lastly, under section 51, a consequential amendment has to be made because section 51 proposes to exempt the time taken for revision in the calculation of the period of limitation. If the Land Revenue Commissioner also is given powers of revision to some extent, then the time taken for revision by the Land Revenue Commissioner may also have to be exempted from the calculation of the period of limitation. Therefore the amendment to section 51 is only consequential upon the amendment to section 50. I believe the House will have no objection to have these minor amendments in the Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have not got serious objection to the amendments proposed; but only one or two small matters have to be pointed out, not only for the purposes of this Bill, but for the guidance of the learned Law Member on future occasions also. The learned Law Member asks in one of the proposed amendments to substitute the words 'Land Revenue and Income Tax Commissioner' for 'Dewan' in line 3. Line 3 of what is not clear.

PRESIDENT: Section 3, it is stated.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The heading is 'Section 3'. Therefore it is clear that it refers to Section 3.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Of course, we can localise the words. But which is the particular edition of the Bill to which the reference is made? Does it refer to the Gazette edition or to the authorised edition by Mr. Narayanan Pandalai?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): References are generally to the Gazette editions.

[Mr. T. K. Velu Pillai.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the difficulty one labours under when the learned Law Member refers to particular lines. (*Laughter.*) So much so, that in line 3 the word 'Dewan' does not at all occur in some editions. So, I would request the Law Member hereafter to be so good as to insert the section itself and then the proposed amendment. That is one objection. That is practically a fruitless objection so far as this Bill is concerned; but for future guidance I would request the learned Law Member to be more precise in the matter of proposing amendments so that the members also may follow him and find out where he is having his finger.

Another point that I wish to draw the attention of the House to is with respect to section 50 and the amendment proposed thereto. As the section stands at present, the Dewan is the only authority who is to revise the orders of the Dewan Peishkar, Tahsildar, or *Proverthicar* as the case may be. The proposed amendment would confer the power of revision, if the Dewan is so minded, upon the Land Revenue Commissioner as well. That raises the question whether there would not arise occasions and necessities when the Land Revenue Commissioner's revisional orders themselves might have to be subjected to further revision at the hands of the Dewan. I submit such occasions would arise; and the mere section 50 as it stands and as it is proposed to be amended by the Law Member would not enable a revision to lie from the orders of the Land Revenue Commissioner himself to the Dewan. I would submit, for reasons which I need not now explain, that it is better that a revisional power is granted to the Dewan on orders passed by the Land Revenue Commissioner. So far as the status of the Dewan Peishkar and the Land Revenue Commissioner is concerned, it is after all a very thin partition, and I understand that there is an amount of suppressed rivalry between the Dewan Peishkars and the Land Revenue Commissioner. It is not a very serious statement that I make; but there is reason to believe that such things may come into existence. In such cases, in view of the very thin partition of status between the two officers, the Land Revenue Commissioner may hesitate very much as to whether he would be at liberty to go right against the decision of the Dewan Peishkar in any particular respect. In such circumstances, if a good case can be made out, my submission is that even the decisions of the Land Revenue Commissioner must be subject to further revision at the hands of the Dewan. So I would suggest that that also to be incorporated in section 50 at the time the Bill issues out of the Select Committee stage. This is all that I have to submit with respect to the amendments.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I have great pleasure to support Mr. P. K. Narayana Pillai in the view that the revisional authority should vest in the Dewan. On a previous occasion also we raised this question with regard to another Bill which was being considered by this Council. The revenue authorities decide cases in a manner different from that followed by civil courts;

and I think the interests of parties require all the safeguards that are available. The Land Revenue Commissioner, no doubt, is a very high officer. As my friend has pointed out, it has come to my notice also that there is some amount of suppressed rivalry between the Peishkars and the Land Revenue Commissioner and the difference of status also is not as great as one should desire when appeals from the decisions of the Peishkars are to be heard and decided by the Land Revenue Commissioner. There is this difficulty also. The Revenue Courts will not be able to adjudicate upon questions with the thoroughness and mastery of law and facts as the civil courts are doing. But when the final authority is the Dewan, there is a halo of sanctity, and there is some greater confidence which the people will repose in the Dewan as he is the visible representative of His Highness the Maha Raja in executive matters. For that reason, I support Mr. P. K. Narayana Pillai.

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): In rising to support the motion, I would like to draw the attention of the learned Law Member that the proviso in section 50, as it is, refers to the whole section and probably would cover very much more than is really intended. The section seems to contemplate cases of orders of revision and orders of delegation. I take it that the *proviso* is intended only to cover cases of orders of the Dewan *revising* the orders passed by the Peishkar. I do not believe my friend really contemplates that, when the Dewan passes an order delegating a function to the Revenue Commissioner, notice is to be issued to the parties concerned. I think the proviso relates only to the first part of the clause.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, with reference to section 50, some remarks were made that there is likely to be some rivalry—or as Mr. T. K. Velu Pillai put it, suppressed rivalry—between the Dewan Peishkar and the Land Revenue Commissioner. Of course the Land Revenue Commissioner's office is one of very recent creation, and inasmuch as there was no intermediary officer between the Dewan Peishkar and the Dewan till now, it may be that there is some sort of rivalry. I do not know. At any rate, there is said to be room for a hitch between the Peishkars and the Land Revenue Commissioner. I am not prepared to concede even that. But we know as a matter of fact that in regard to income-tax cases, the Income-Tax Commissioner is supposed to be the final revisional authority over the decision of Peishkars, and I do not think we have heard of any complaint with reference to that matter. On the other hand some of the members even complimented Mr. Robinson on the way in which he was discharging—

Mr. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I wish to explain the position. With regard to this matter also, those of us who complimented Mr. Robinson are prepared to compliment him. The reason we adduce now is a different one.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I think this Regulation is not in reference to Mr. Robinson. (*Laughter.*)

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What I meant was that, so far as the Income-Tax Commissioner is concerned, there is not only no complaint, but he has also been complimented by the members of this House. When I said Mr. Robinson, I did not mean him personally. I referred to the Income-Tax Commissioner. So also in the case of the Revenue Recovery Regulation, if the amendment is made, I do not think there will be any difficulty whatsoever.

As for the powers to be reserved for the Dewan, that is a matter which can be taken up when section 50 itself is considered. The suggestion made by the Deputy President also may be considered at a later stage of the Bill.

The question that the Revenue Recovery Regulation Amendment Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): To the question of reference to the Select Committee, I doubt whether there is any necessity for this Bill being referred to any Select Committee at all. Because from what I gathered from the remarks made by some members of the House, it is only with reference to section 50 that some amendment is considered to be necessary. I think that, when the Bill comes up again for consideration before this House, any amendment may be proposed and considered and discussed by the House. Therefore, I do not think that there need be any separate Select Committee. I think we can safely avoid the Select Committee stage. I therefore propose that the Bill be not referred to any Select Committee.

The question that the Revenue Recovery Regulation Amendment Bill be not referred to a Select Committee was then put and carried.

THE NANJANAD VELLALA BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that the Nanjanad Vellala Bill be read in Council.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I do not think that any elaborate statement is necessary on my part to explain the general principles of the Bill. The Nanjanad Vellala community had been long agitating for legislation regarding succession, marriage and divorce, and partition. Ultimately Government appointed a committee under the presidency of Mr. Narayana Menon and a Bill was drafted with a view to regulate their marriage and divorce and also to define the amount of *Ukantudama* and *Nankudama* to which the widow and children or the childless widow of a deceased Nanjanad Vellala male are respectively entitled. The Bill was in the first instance restricted

to these two heads about which alone recommendation was made. That recommendation was accepted by the Government and the Bill was introduced in the Council. It was referred to a Select Committee and I believe the Select Committee also submitted a report. But the objections to the Bill were very great on the ground that the Bill was not sufficiently comprehensive, inasmuch as it failed to take note of all the requirements of the community and therefore that, even if the Bill were passed, the community would not be any the better. Inasmuch as the volume of opposition to the Bill was very strong, Government resolved to withdraw the Bill and introduce a more comprehensive measure later on. In 1920, the Bill was withdrawn and a committee was appointed to take evidence about the customs and manners of the Nanjanad Vellalas and that committee submitted a report. The committee was presided over by Mr. M. Raja Raja Varma and included some of the members of the Nanjanad Vellala Community. It is a matter for gratification that the report of the committee and the Draft Bill they appended were unanimous and that there was no dissentient note. It is equally creditable to find that, even after the publication of the report and the Draft Bill, no serious opposition has been received from the members of the community excepting a petition signed by about 3 or 4 people. Excepting that, the community as a whole seems to have accepted the report and the Draft Bill, and therefore we may safely take it that the Draft Bill represents the opinion of the community and safely proceed upon it.

The main changes that are recommended have been discussed and detailed in the report itself and I do not think that it is necessary at all for me to make any lengthy observations thereon. But I may refer to the few important changes that have been made in the Bill with reference to the other *Marumakkathaya* Bills, namely the Nair or the Ezhava Bill. In the first place, it is stated that, though ordinarily marriage should be in a particular form, namely the *talikettu* form or the *agnisakshi* form, a remarriage can take place in ordinary *sambandham* form between a widower and a widow only. Both the parties should have already been married once and such marriage should have been dissolved either by death or divorce. That is one of the conditions. Perhaps that may be a matter to be threshed out by the Council later on as in the case of the other bills.

Monogamy is to be enforced. With reference to divorce, there seems to be a strong opinion in the community that divorce should not ordinarily be for no reason whatsoever, and, therefore, divorce is proposed to be for specific reasons. I daresay my friend Mr. Hoogewerf would be gratified to see that such a restriction is imposed *viz.*, that divorce cannot be obtained except for specific reasons.

The next point of difference is with regard to individual partition. Individual partition is allowed and the only restriction seems to be that during the life-time of the mother no one can claim individual partition, and in the case of even *tarwad* property, if a man dies, his wife and children would be entitled to the property that he would have obtained on division before his death.

[Mr. M. Subrahmanya Pillai.]

These are some of the main points on which a deviation has been made. I believe, the Bill will in general be acceptable to the House.

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): Sir, I have very great pleasure in supporting the motion for accepting the principle of the Nanjanad Vellala Bill. In doing so, I beg to say a few words regarding the history of the public agitation that has led to the introduction of this Bill at the present moment and also about the principles contained in the Bill itself.

So early as 1083, in the third session of the Sri Mulam Popular Assembly, Mr. P. Madhavan Pillai, as representative of the Nanjanad Vellala Association, prayed for allowing the right of partition in the Nanjanad Vellala *Marumakkathayam* families. The President of the Assembly then replied that the matter would receive due consideration at the hands of Government, if a proper representation was made by the majority of the people likely to be affected by the proposed measure. As a result of this first move, a petition signed by about 1,600 people was presented to the Government, during the fifth session of the Assembly, praying for the enactment of a legislation for regulating the system of inheritance, succession, and marriage among Nanjanad Vellalas. I myself had the honour of presenting that petition to the Government. Several defects on these points, especially the changes that were being introduced into their customary law by civil courts against the wishes of the community, and by a simple reference to the laws in vogue in a purely *Marumakkathayam* community, were pointed out in that memorial. They loudly complained of the attitude of the Travancore courts in generally not taking into consideration the peculiar social customs and manners of the community and the mixed system of inheritance followed by them. With a view to ascertain the wishes of the Nanjanad Vellala community, and also to find remedies for the real defects pointed out by them, Government appointed a small committee of enquiry with Mr. K. Narayana Menon, B. A. & B. L., the then Dewan Peishkar of Padmanabhapuram, as convener. Their work was by the G. O. on the subject restricted towards enquiring into the questions of divorce, partition, powers and duties of *karanavans*, *ukantudama*, *nankudama*, and adoption. The procedure of work adopted by that committee was quite different from that adopted by similar committees, such as the Nair Committee or the Ezhava Law Committee, as they did not resort to the examination of witnesses. As a result of the enquiries conducted by them, they recommended legislation on divorce, *nankuduma* and *ukantudama*, and adoption; their findings were against any change in the existing law regarding the powers and duties of *karanavans*; and they reported unfavourably on the question of partition. As a result of the committee's recommendations, Government introduced a Bill in the Legislative Council about the year 1088. The Bill remained in the Council for more than four years, and passed the Select Committee stage. At the time the Bill as modified by the Select Committee was

actually under discussion, as a result of public agitation, the Council became aware of the inadequacy of the Bill, and of the fact that the provisions of the Bill had been narrowed down to a few points in their social customs, and that nothing short of a comprehensive Bill, something like the the Nair Regulation, would satisfy the people; and with a view to re-introduce such an enlarged and comprehensive Bill, the one already under consideration was, with the permission of the Council, withdrawn by the Law Member.

The community still continued to agitate; and finally, as a result of an interpellation in the Council two years back, the Government again appointed a stronger committee of enquiry, with M. R. Ry. M. Raja Raja Varma Avargal. M. A., B. L., as its President. I again had the privilege of working on that committee and am now in a position to assure this House that the committee did everything in their power to ascertain the real wishes of the people; and in this connection I wish to express the thanks of the community to the President for the interest he took on behalf of the community in the midst of his multifarious duties as Efficiency Audit Officer and the President of the Salaries Committee. Though at the time of his appointment fears were entertained by a vast majority of the people, that, as the *karanavan* of an orthodox *marumakkathayam* family, he was likely to be biassed against the new ideas of the community, his honest work and impartial and unprejudiced judgment have won for him the good opinion of the community, and they are now under a deep debt of gratitude to him.

The report submitted by this committee is, perhaps, in the hands of all the members of this Council, and I can safely assure them that it is, more or less, a true statement of facts and of the views expressed by the community during the course of the committee's enquiry.

The main principles underlying this Bill are: (1) the granting of the right of individual partition, (2) the introduction of the *makkathayam* system of inheritance, and (3) the enforcement of monogamy.

From a perusal of the committee's report, the members of this House will be able to see that the volume of opinion in the community was in favour of partition and *makkathayam*, so much so that this principle may safely be regarded as having been accepted by the community. There is nothing in this to be surprised at; for it is merely a longing to regain the old order of things, when even *marumakkathayees*, pure and simple, are themselves fighting tooth and nail to cast off this unnatural system of inheritance. In this connection, it should be specially noted that Nanjanad Vellalas were originally *makkathayees*; that in their social customs they do not differ much from their ancestors of the *makkavazhi*; and that *thavazhi* partition and individual partition in a restricted sense, that is to say, when there are only males of the same grade in the *tarwad*, are quite common among them, so much so that the existence of a common *karanavan* in a colletaral *thavazhi* is the exception and not the rule. The right of *mantudama* or the right of partitioning paternal property, and the right of *nankudama* or the right

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of the maintenance of the childless widow from her husband's *tarwad* property, are relics of their former *makkathayam* system of inheritance. To have a correct idea of the position they occupy between the *makkathayees* and *marumakkathayees*, I shall read a paragraph from Mr. Narayana Menon's report, which has also been incorporated in the present report. It reads thus:

"When the Nanjanadans became isolated from their kinsmen beyond the Ghats, they began to change their social and domestic condition. Their inheritance became modified, their matrimonial ideas altered, and their caste structure became in course of time an interesting medley of Tamil and Malayalam social characteristics. Thus, the first marriage of the Nanjanad Vellala is purely of a Pandi type and the second is the *sambandham* of the Malayalees. The law of inheritance, so far as it relates to *mankudama* and *ulantudama*, is of the Pandi *makkathayam* system, but in all other respects it is the *marumakkathayam* system of the Nairs. The dress and ornaments of the females are those of the Tamilians, but the attire and mode of wearing front tuft, etc., of the men are similar to those of the Nairs. The compulsory performance of obsequial ceremonies by the son is a relic of the *makkathayam* system. The performance of such rites by the nephew, in the absence of the son, is an accordance with the *marumakkathayam* custom. In fact, in all their important social and religious customs the combination of *makkathayam* and *marumakkathayam* ways can be observed to exist."

Sir, while listening to the arguments brought forward by several members of this House in support of the principles of the Nair Bill, I had the opportunity to hear some of them say that there was a time when Nairs, or, for that matter, all the pure *marumakkathayees* only paid occasional visits to their wives in their houses, and that, in those times, *marumakkathayam* was to them the most ideal and suitable system of inheritance. But the Nanjanad Vellala community never had such an experience under *marumakkathayam*; on the other hand, they were suffering under an unwholesome combination of the two systems. But now, the main principles on which this ancient law was based having been broken, the very foundation on which the system rested having been undermined, the fall of *marumakkathayam* is not far off; and I hope the sister communities will agree in joining hands with them in their march towards the common goal of *makkathayam*. Civil courts have paved the way for our march by their later decisions on suits for maintenance by *seshakars*. They have managed to drive the *karanavans*, the once ardent defenders of *marumakkathayam*, to the necessity of joining the opposite camps and working for the speedy destruction of the system itself.

With regard to the clause dealing with partition, I have a word to say The committee recommended outright individual partition and *makkathayam*. But the learned Law Member has chosen to make a material alteration, by disallowing partition when the mother is alive. Personally, I am in favour of retaining such a condition, though with a slight alteration. I think that, with the consent of the mother, and after making provision for her maintenance, the children should have the right of claiming partition. I am quite conscious that I differ from the recommendations of the Nanjanad Vellala Committee. I have, since

the writing of the Committee's Report, bestowed sufficient thought on the question and have satisfied myself that a sudden and convulsive change in social matters is injurious to the community. I take it that the educated opinion in the community, as received by the enquiry committee, was in favour of such a procedure, and I regard that opinion as not that of a mere negligible minority. I also think that the majority opinion in favour of immediate outright partition was, to a considerable extent, arrived at by the enthusiastic inspiration from a few on a very large number of unthinking minds.

There is yet another reason on which my opinion is mainly based. A *marumakkathaya* Vellala male, whether he be a *karanavan* or *seshakaran*, generally acquires property not in his own name, but in the name of his wife and children. This will invariably be found to be the practice. This he does in order to be always on the safer side, and to avoid the unnatural succession stipulated by the *marumakkathayam* law, in case any sudden calamity happens. He relies on the affection of his wife and children to be in undisputed enjoyment of his acquisitions till his death, in spite of the fact that the acquisitions were made in favour of another *tarwad* to which, according to the *marumakkathayam* law, he does not belong. When once acquired in this manner, the acquisitions become the *sub-tarwad* property of the wife and children, in the devolution of which he is not concerned. Most of the *sub-tarwads* will have at least some such property. Now, when immediate individual partition is allowed, we can more or less imagine the miserable condition of such acquirers. The properties mentioned also become divisible. In such *sub-tarwads* the father and the mother are the only two unifying forces, and I think at least one of them should be given the right of deciding whether and when the *sub-tarwad* property should be divided during their lifetime. The giving of such a right to the father or husband as the case may be is out of the question; for, the father or the husband has no *locus standi* so far as the particular *sub-tarwad* is concerned. This is one of the main reasons that weigh with me in allowing the mother, during her life-time, the right of deciding when a *sub-tarwad* should divide.

I hope, every time a partition is effected, a few from each such family will be liberated from the purview of the *marumakkathayam* law, and it is with a view to hasten the transformation that I have suggested the grant of the right of partition even during the life-time of the mother, provided she agrees to it.

Again, with regard to the method of division, there is a good deal of opposition in the community. Division of the *tarwad* property *equally* among all the members of the *tarwad* is the method recommended by the committee and adopted by the mover in the Bill. This, as far as I know, is going to be opposed, for this method of partition is a new method so far as the community is concerned. Partition is common in the community, but it is generally effected not by a *per capita* division among all the members, but by *stirpes*, the males and females of the same grade taking equal shares irrespective of the number of children the females have at

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the time of partition. The children of a male are now entitled to *ukantudama* from their father's *tarwad* property; and in calculating that share only male members of the same grade are taken into account. The majority of the people are against *per capita* division, because they think that in very many cases the *per capita* share of a man may go even below the *ukantudama* share his children are entitled to after his death. The method of *per capita* division, perhaps, as a result of that *makkathaya* Vellala instinct, is foreign to their notions of equity. It is true they are for partition, but not for equal division among all the members. They argue now that by ആളോഹരി ഭാഗം they meant that each man or woman should get his or her share with a view to adopt *makkathayam*. They say that they did not mean equal division among all the members when they advocated ആളോഹരി ഭാഗം, and that they have been misunderstood by the committee. They could not imagine how a *karanavan* or another member of the same grade with him could be brought to the same category as his great-grand-nephew, perhaps not even six months old. In this connection, we have yet another point to be taken into consideration. Nanjanad Vellalas are not purely *marumakkathayees*. Their system of inheritance is a combination of the systems of *makkathayam* and *marumakkathayam*. The children of males are, as such, entitled to a portion of the *tarwad* property of the males as their nephews are. Children and nephews are co-heirs to the *tarwad* property. Under the circumstances, the method of division now proposed in the Bill is one that totally ignores the claims, already existing, of the children of Nanjanad Vellala males, and as such cannot be said to be an equitable one. So, agreeably to the conditions now prevailing among Nanjanad Vellalas, the method of partition now proposed in the Bill requires alteration; and I think that, on the death of a mother the children, both males and females, I mean members *of the same grade*, should have the right of dividing the *tarwad* property equally among themselves irrespective of the number of children each has, and that that alone will be an equitable method of partition. If necessary, I have personally no objection to treating the portion thus divided as the ancestral property of the male or female and restricting their powers of free alienation in the case of those who have children as in the case of those who follow *makkathayam* under the Hindu Law. The property thus divided must again be divisible equally among their children after their death.

The method of division I have just suggested will have the effect of immediately removing *marumakkathayam*, instead of perpetuating it as contemplated under clause 11 of the Bill that disallows partition when the mother is alive. It will also remove the fear of extreme disintegration of *tarwad* property generally complained of and urged as an argument against *per capita* division.

The Bill, as it is, by proposing *per capita* division and at the same time disallowing partition during the life-time of the mother,

contemplates perpetuating *marumakkathayam* side by side with *makkathayam.* A mother is going to have two kinds of properties—one, her separate property which is to descend according to *makkathayam* with shares only to her children, and the other *tarwad* property, over which all her descendants including her grandchildren have a right. Under such circumstances there will arise a necessity for keeping separate accounts showing the income and expenditure from the two different sets of properties. Thus, we are only going to create more confusion instead of simplifying succession.

Again, according to the proposal, there is going to be no fixity of shares. Immediately the Bill is passed, there is going to be a rush for partition. Loss of a day may tend to diminish or increase the share of a member in the *tarwad*, either by the appearance of a new born, or by the death of an already existing, shareholder in the *tarwad*. One cannot be sure how many times one will have to correct the plaint in a partition suit before it is finally decided by the High Court.

Again, I think there will be real heart-burning when sisters of the same grade are not given equal shares. According to the proposal contained in the Bill, on the death of a mother, the eldest sister, simply because she was born a little earlier and began child-bearing earlier, is going to get a larger share on the partition of the *tarwad* property than her unfortunate younger sister. Further, if the younger sister is still unmarried, she loses the right of getting herself married at the cost of the *tarwad.* This appears to be rather a punishment for not being sufficiently brisk in the matter of child-bearing.

Again, I have a very serious doubt as to the method of devolution of property obtained by an unmarried or childless woman as her share out of her *tarwad.* Is it going to be her separate or her *tarwad* property? If it is to be her separate property, it will devolve only upon her children after her death, and her grandchildren will have no claim over it. She will also have full rights of alienation in spite of children born later on. Again, if it is going to be regarded as having been for some time her separate property, it changes into *tarwad* property immediately a child is born to her. I cannot imagine how the community will cherish this process of converting property that has once become *makkathayam* again into *marumakkathayam* property.

I have only pointed out the above to show some of the serious difficulties that will result by adopting the proposals on partition as contained in the Bill.

I also beg to point out that the Bill, as it is, is defective, in so far as it does not contain a part defining the powers and duties of *karanavans.* Section 11 of the Bill contemplates the existence of *marumakkathayam tarwads* even after the passing of this Bill; and as such, it is necessary to add another part to the Bill defining the powers and duties of the *karanavan* in the management of *tarwad* properties.

The next important principle involved is the enforcement of monogamy in the community. As for my part, I am against it. I have various reasons for coming to that conclusion.

[Mr. M. Subrahmanya Pillai].

First of all, the community is a self-contained one, so far as matrimony is concerned. They have no matrimonial connections with any other community, and as such cannot look to any other community to supply husbands to their superfluous women. A reference to the census figures will clearly show that the number of women in the community is far larger than the number of men. To save the community from the scourge of old maids, as is generally found among westerners as a result of this social custom, is my reason for opposing the proposed measure. I am of opinion that a restriction of the proposed kind will not only prove injurious to the community, but will also affect the morality and self-respect of the community. We have already begun to feel the difficulty of obtaining suitable husbands for our girls; and where available, the parents of bridegrooms have of late begun to demand high prices in the shape of money and jewels for consenting to a marriage proposal. The enactment of a measure of the kind proposed will only aggravate the situation and will certainly have the effect of raising such prices and lead to misery and unhappiness in Nanjanad Vellala homes. We have heard a good deal about the evils of the dowry system, and at least to prevent the evil consequences of such a system, the custom, as it now stands, should be allowed to remain undisturbed.

Again, if monogamy is enforced, a husband has to divorce his unfortunate sickly wife, by means fair or foul, even though they are prepared and willing to live as man and wife, looking after the welfare of each other, if only the man is allowed to have one more wife. Divorces of wives on account of incurable diseases or barrenness become a necessity.

MR. A. HOOGEWERF (*Nominated*): If the second wife is also diseased, can he have a third wife or a fourth wife? (*Laughter.*)

PRESIDENT: He may marry any number of wives.

MR. A. HOOGEWERF (*Nominated*): Will Mr. Subrahmanya Pillai allow a healthy wife to divorce an unhealthy husband?

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): No; that is not usual in the country.

MR. A. HOOGEWERF (*Nominated*): Will it not give rise to very unhealthy children? (*Laughter.*)

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): Very likely.

Cases are not rare in which a man marries once again to beget a son to perform his obsequies as their performance is supposed to be a religious necessity for obtaining salvation, and also sometimes to provide a person to look after not only himself but also his unfortunate first wife. The enforcement of monogamy has the tendency of driving a husband and his wife to seek divorce against their wishes, and that, in my opinion, is quite undesirable. It should be our endeavour to minimise the number of divorce cases and thus to conserve the morality and self-respect of the community.

Monogamy, I think, is a purely western institution.

MR. A. HOOGEWERF (*Nominated*): What about the Brahmins?

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): They are having polygamy.

PRESIDENT: He wants to know whether Brahmins usually have only one wife. (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): I do not mean to say the back-door wife (*laughter*) that he might have; I am only speaking of the regular wife.

PRESIDENT: Mr. Subrahmanya Pillai says that Brahmins may have more than one legal wife.

MR. A. HOOGEWERF (*Nominated*): I want to know what the custom is.

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): Brahmins are allowed polygamy; they can marry again when necessity arises.

MR. A. HOOGEWERF (*Nominated*): That is not the answer to my question.

PRESIDENT: You cannot compel him to answer; you can only put a question.

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): Monogamy, I think, is a purely western institution. In social customs, there is a world of difference between the western nations and ourselves. There, man and woman select their life-companions themselves, and that at a mature age. But the conditions here are quite different. Coupling here is effected not by the parties themselves but by their parents, sometimes on other considerations also, and at a time when the parties themselves are not of a ripe age and capable of realising the significance of the sacrament of marriage. Again, it has not been sufficiently proved that there is such glaring misuse or abuse of the custom as to necessitate a change of the proposed kind. Even granting that there is some abuse of the custom, I am of opinion that, by making marriages legally valid, the evils will be minimised, for males then become obliged to maintain their wives and children. I do not also find sufficient reason to alienate ourselves still further from other Hindus—especially our Vellala brothers. On these grounds, I am strongly of opinion that the retention of the institution of polygamy will be only conducive to the happiness and prosperity of the members of the community.

Another provision I wish to take objection to in the Bill is clause 4. As is evident from the Statement of Objects and Reasons, the mover has drafted this section with a view to allow the re-marriage of a male or female only with a widow or a widower as the case may be. Before proceeding to deal with that view of the question, I beg to point out that the Law Member has failed to convey in the section his idea as pointed out by him. Section 4 is merely a permissive one, and simply permits the re-marriage of a widower with a widow through the process of

[Mr. M. Subrahmanya Pillai.]

sambandham ceremony to be regarded as a legally valid marriage. It does not disallow the marriage of a widower with a virgin, or that of a bachelor with a widow, though such a course was proposed by the Nanjanad Vellala Committee, and meant to be adopted by the mover. This on the part of the mover may be an oversight and capable of being corrected at a later stage of the Bill. But, as for the proposal itself, *viz.*, that marriages between widowers and widows only should above be recognised valid marriages, I have got the strongest objection. This is a point on which I myself dissented from the opinion of my colleagues on the Nanjanad Vellala Committee. The community never wanted such a restriction. Evidence on this point was neither sought nor volunteered. Such a contingency was never anticipated by the members of the committee itself, till the whole evidence was collected. The question developed at a later stage, at the time of writing the report. I can boldly assert here that not a single individual gave evidence to show that he wished to invalidate marriages between widowers and virgins, or marriages between bachelors and widows. As far as I recollect, the evidence collected only tended to show that the first marriage of a woman must always be *Agnisakshi-Vivaha* of the Pandi type, and that the second marriage of a woman must always be the *Sambandha Vivaha* of the Malayalam type. They were for allowing any kind of first marriage for a male, whether bachelor or widower. The custom of males marrying virgins or widows as they pleased was taken for granted; the Committee never thought of questioning the witnesses on that point; and the members of the community never volunteered to suggest a change of this custom. There are any number of cases in which bachelors have married widows through the recognised *sambandham* ceremony and widowers married virgins through the *Agnisakshi-Vivaha* ceremony; courts of law have recognised such marriages, and decreed *Nankudama* and *Ukantudama* rights to such wives and children; and the community itself has placed no odium on the contracting of such alliances. I am myself surprised at the majority opinion of the Committee and it has also raised a commotion among the members of the community. A widower or widow should have the freedom of choosing a virgin or a bachelor as the case may be. Custom permits it, courts of law recognise it, and the community does not wish for a change. I strongly object to the inclusion of a provision in the Bill as suggested by the Nanjanad Vellala Committee behind the back of the community itself.

I do not propose to go into the minor details of the Bill. Difference of opinion in matters of detail is inevitable in social legislation. There is, as is always the case, a good deal of difference of opinion in regard to minor details, but the community rests its confidence upon the good sense of the House to get through all difficulties.

A perusal of the Bill will clearly show that, while attempting to convert the community into a *makkathayam* one, the chief defects complained of in the Hindu Law are also proposed to be eliminated.

The Bill allows widow re-marriage, divorce on merit in certain extreme cases, and equal rights of *makkathaya n* inheritance to children both male and female. At the same time, the Bill attempts at removing the inherent evils of *marumakkathayam*, *viz.*, loose marriage ties and free divorce.

The introduction of this Bill at this moment is, I think, quite opportune; for, the Nair Bill and the Ezhava Bill, more or less indentical ones, are now under the consideration of this Council, and the benefits of the hot discussion of the members over the provisions of those two Bills will be of much use in the consideration of the provisions of this Bill also. I beg to add, Sir, that this Bill does not propose to trespass into the personal rights of other communities as alleged in certain quarters against the Nair Regulation Amendment Bill introduced by my friend, the late lamented Mr. K. P. Raman Pillai. I appeal to the members of this House, both *makkathayees* and *marumakkathayees* to grant the measure the benefit of mature consideration and to help to carry the Bill through all its stages and thus to satisfy the wishes of this small but important community in the State, the members of which, out of loyalty to their Sovereign and out of love to their brother citizens, separated once in a body out of their ancestral community and adopted the social customs and rights of inheritance followed in the land of their adoption.

Though I have differed in respect of some of the provisions of this Bill, the main principle of the Bill, as a whole, I accept; and I therefore support the motion.

Before resuming my seat, I would request the President to accept a petition signed by Mr. C. Sadasivan Pillai B. A., Kaimood House, Mavelikara, who is also the manager of the office of the Director of Public Instruction. It is almost a protest against the granting of partition, whether *individual* or *thavazhi*. As it is voluminous, I do not mean to take up the time of the Council by reading it. I only present the petition to the Council for its acceptance.

Mr. PAUL V. DANIEL (*Agastisvaram*): Sir, I rise to support the principle of the Bill. This Bill, Sir, is intended to serve a large number of my constituents whom I have the privilege to represent in this Council.

The necessity for social legislation for the Nanjanad Vellalas has been felt very keenly during the last quarter of a century. I have been moving on the very best of terms with a good many members of prominent Nanjanad Vellala *tarwads* during this period and have had occasion to observe their difficulties, anxieties and aspirations. Even in remote days, the seeds of future troubles for *seshakars* and junior members were being sown, and their position was becoming more and more unenviable as years advanced. Many of the junior members were at their wit's end to get a living, though the *tarwads* to which they belonged were immensely rich and influential. The impetus to education and industry was therefore lacking and the litigation which arose out of these inconveniences and discomforts told heavily on the material position and on the harmonious working of the community.

[Mr. Paul V. Daniel.]

At this time of the day, it is superfluous and unnecessary to make out a case for social legislation. No society need fight shy of legislation. This Council has been responding to the call of duty in correcting the anomalies that have crept into the body politic of several societies. Not to speak of the Ezhava or Nair Bill, we have got the example of the distinguished President of the Democratic Party in the Imperial Legislative Assembly introducing a Bill to effect certain changes in the existing Hindu Law in consonance with the advancing tide of the times. The character of human beings is generally influenced by their surroundings and the duty of the legislature is to take note of the changes that generally creep into societies and to remedy the evils, if any, that call for rectification. In view of the present position of the younger generation in the Nanjanad Vellala community, certain material alterations are, of course, necessary to suit modern requirements.

It was about a decade and a half ago that the first demand was made for social legislation for Nanjinad Vellalas in this very hall when the Assembly was in session. In response to the popular request, a Bill was introduced in 1090. In the mean to me the advanced section of the community, awakened to a deep sense of responsibility by the vigorous and sincere agitation of some educated enthusiasts, represented that that Bill was not sufficiently progressive. The Bill was, I think, dropped in 1091, on the understanding that another enlarged and modified Bill would be brought in as soon as possible. The Nanjanad Vellala Committee was then appointed to ascertain the real wishes of the people, for what might have satisfied the people in 1085 might fall short of their real wishes later on. I do not propose to take up the time of this august Council by referring to the case law on the subject. The community felt aggrieved at certain decisions which, they thought, were based on the impression that the Nanjanad Vellalas are a pure *marumakkathayam* community. The existence of the rights of *Ukantudama* and *Nankudama* is inconsistent with *marumakkathayam* law. From 1070 onwards, the Nanjanad Vellalas have been protesting strongly that they are not *marumakkathayees*, pure and simple, and that even to the extent that they are *marumakkathayees* they have become so on account of certain exigencies of political circumstances. They were no doubt originally *makkathayees* governed by Hindu Law. They cannot, therefore, be regarded as *marumakkathayees* to a greater extent than is necessitated by custom. But judicial decisions have created a gulf between their laws and their social usages. In the interest of their communal and individual welfare, it is necessary to bridge this gulf by adequate legislation. The community therefore desired, though not unanimously, that the right of individual partition must be allowed, that *makkathayam* should be introduced and that divorce might be granted by courts for sufficient reasons such as incapacity for sexual felicity, incurable diseases, adultery, etc. It was at this stage that the committee was set to work and the present Bill is its result.

It is not necessary to dwell at any length upon the provisions of the Bill which will have to be duly considered later on. But I feel it my duty to mention here certain important points which should receive the kind consideration of the Select Committee. As regards marriage, perfect freedom of choice, both for a widow and a widower, in the matter of *sambandham* or marriage, should not be interfered with unless there is adequate justification coupled with real necessity. Marriage should be declared legal for all purposes. A clear provision should be made to safeguard the interests of a minor girl in case she is married by a man without the consent of her guardian. The provisions regarding dissolution of marriage, succession and partition of property require some consideration. Divorce should be restricted and made possible only under exceptional circumstances. Only then can you be sure of monogamy which Mr. Hoogewerf so much desires to have. This is the watchword given to the Nair community by my learned friend Mr. Subba Aiyar when the Nair Bill was being discussed within this hall. And I would even go a step further and say, on the assertion made to me by many of the most learned and respectable members of the Vellala community—(the notes written in the handwriting of one of them I have with me now)—that the State should have some special control over this important matter. Mr. M. Subrahmanya Pillai of Terur, I am sorry to say, is advocating polygamy. For the information of the House and for the satisfaction of my friend Mr. Hoogewerf, I shall read what Mr. Azhakappa Pillai, a graduate-in-law and one of the foremost members of the community, has written regarding this :—

"*By mutual consent evidenced by a registered document.*—Three of the five members of the committee are against this provision as a means of obtaining divorce. It is therefore curious that this should have become a provision in the Bill recommended by the committee.

The statement or argument in the report that the majority of witnesses require mutual consent as a ground does not appear to be correct. Their analysis of the evidence on this point is not convincing. For, of the 300 witnesses examined, they account for only 189 and they do not say what the views of the rest of the witnesses are. The matter for consideration, however, is much more than merely to ascertain the view of the majority number of the witnesses. The minority members of the committee who would have their view predominate over the view of their majority colleagues would argue no further than that a large number of witnesses supported them. The witnesses cannot, in the nature of things, be each one of them a jurist and a legislator. It might have been well, therefore, if the minority had defended their position by stating reasons.

The real question seems to be rather whether there is not a principle and a justification in determining the adequacy and suitability of the provisions for divorce in a particular society. If there is a justification in restraining absolute freedom of divorce even by such provisions as the one which insists on dissolution by decrees of courts in payment of compensation without going into the propriety of the grounds, is there not again a justification beyond the opinion of witnesses in going further and saying that it is not enough if the court decrees dissolution automatically in payment of compensation? But divorce should be granted only upon proper grounds and the court should decree dissolution only upon the proof of the existence of such proper grounds. If there be one, upon the same rests the view that mutual consent should not be the ground for divorce.

Mutual consent seems to go well along with the provision to pass a decree in payment of compensation as its natural twin-brother. In either of them, there is no whisper about grounds. The matter is a matter for settlement between the parties themselves.

[Mr Paul V. Daniel.]

Whether they will separate or not, for what reason they can separate—upon those questions no third party has any say whatever. But under the system where divorce is allowed only upon stated grounds, the whole position is different. The stated grounds are independent of the wishes of the parties. They emanate from and depend for their being on a third party, namley, the society or the State. The State might well say "no divorce whatever under any circumstance or on any ground," as it has said in Hindu Law and the Catholic Christian law. Or it might descend a step lower down and say 'divorce upon proper grounds' as is the case with most of the Protestant Christians. Why and how it says so or whether it can say one thing at one place and another thing at another place is a different question. The present point is that, in the system of divorce upon proper grounds, it is the State or the society that states and maintains the grounds and not the parties to a particular marriage. The virtue and essence of this system consist therefore in the fact of the society so stating the grounds and maintaining them and in putting it altogether beyond the power of the parties to a marriage to agree with each other to separate without satisfying the grounds maintained by the State independently of their wishes. Hence the system of proper grounds is a denial of and an antithesis to divorce by mutual consent.

What is the justification here for the system of proper grounds in preference to the system of compensation? It is this: that in this society legal marriage has been in existence from immemorial times, that the marriage bond is stronger and that it requires to be protected by stricter provisions for divorce. And what other meaning to ascribe to the whole lot of the witnesses persistently insisting on not allowing divorce except upon proper grounds?

And again, if the parties can separate merely by their agreeing with each other to do so for any reason or for no reason, then what reason or justification can there be for the position that if they do not agree the fixed grounds are to be insisted on? In other words, why should they not get divorced on any ground? That marriage is an affair between the two contracting parties alone is a pure and simple negation of all marriage. The fear of washing dirty linen before the public is also given a quietus to by the report as well as by the Bill. The policy which holds up the system of proper grounds cannot surrender the whole of its soul and be reduced into a vacuum of nothingness whenever there appears what is called mutual consent of parties.

As regards partition, I find that the opinion of the community is sharply divided, one advocating partition individual and equal for all the members of the *tarwad* and the other advocating partition equal only for brothers and sisters—whether they have children or not and whatever be the number of their children-in other words, branch-partition accompanied later on by individual equal partition among the children of the respective branches. Further, a very large section of the community feels that absolute disallowance of partition during the lifetime of the mother would only aggravate the evils already existing in the community, and that partition should be allowed at least when the mother consents to do so and on making a suitable provision for the mother. The most equitable and best provision for the present generation both young and old should first be made. These are things that have to be dealt with in the Select Committee.

As one deeply interested in the welfare of the community, and as one representing a taluk in which they figure prominently, I beg to support the principle of the Bill and hope it will be passed into law as early as possible. I beg to submit that delay in the matter will result in great loss to the community. Already there is considerable dissatisfaction

that there has been so much delay. I earnestly appeal on behalf of my electorate to expedite this legislation. The House will be aware that the first Bill was introduced in 1090 and it is not in the Statute Book for no fault, I think, of the community. I hope the learned Law Member, Mr. Subba Aiyar, will ere long send it forth to the community with his usual blessings of a godfather.

Sir, I beg to present to the Council two petitions which my Vellala brethren wanted me to present to the Council.

MR. T. M. CHIDAMBARATANU PILLAI (*Torala cum Kalkulam*): Sir, I rise to support the bill.

நாஞ்சினாட்டு வெள்ளாளராகிய எங்களுடைய ஆசாரங்களெல்லாம் மக்கள்வழி ஆசாரங்கள். ஆனால் எங்களுக்கு ஏற்பட்டிருக்கும் சட்டமோ மருமக்கள்வழிச் சட்டம். இந்த இரண்டும் ஒரு க்ஷணநேரமாவது பொருந்திப்போகமாட்டா என்பது ஒருவர் சொல்லியறியவேண்டிய காரியமல்ல. இக்காரணத்தால், குடும்பப்போராட்டத்திலும் கோர்ட்டுவழக்கிலுமே எங்களுடைய பொழுதும் பொருளும் வீணாகப்போகின்றன. இதன் உண்மை, நாஞ்சினாட்டு மான்மியம் எனும் ஹாஸ்யகவி (Satire) யில் கோடேறிக்குடிமுடித்தபடலம், 'கும்பிபெரிச்சல் படலம்' முதலிய பாகங்களைப்படித்துப்பார்ப்பவருக்கு நன்கு விளங்கும்.

எங்களுடைய ஆசாரத்துக்கும் ஜீவிதத்துக்கும் பொருத்தமான சட்டம் ஒன்று உண்டுபண்ணித்தந்து எங்களுடைய கஷ்டங்களையெல்லாம் நிவர்த்திசெய்து தரவேண்டுமென்பதாக மூன்றாவது பிரஜாஸபை முதலே முடக்கமில்லாமல் முறையிட்டுக்கொண்டு வருகிறோம். எங்கள் பாக்கியக்குறைவினாலோ, வேறே க்காரணத்தினாலோ எங்கள் விருப்பமானது இன்னும் நிறைவேறினதாகவில்லை.

1910-வது வருஷத்தில் எங்களுடைய ஆசாரங்கள், வழக்கங்கள், சடங்குகள் முதலியவற்றைக் குறித்து விசாரணைசெய்து றிப்போர்ட்டு ஸமர்ப்பிக்கும்படியாக ஒரு கம்மிட்டி ஏற்படுத்தப்பட்டது. அந்தக்கம்மிட்டி மெம்பர்கள் மூவரும் காரணவர்களாகவே யிருந்தார்கள். இவர்கள் ஸமர்ப்பித்த றிப்போர்ட்டைக்குறித்து ப்பலவிதமான ஆக்ஷேபங்கள் அக்காலத்தில் பத்திரிகைகள் மூலமாகவும் பிரஸங்கங்கள் மூலமாகவும் வெளிவந்ததுண்டு. கடைசியாக, இப்பொழுது இந்த பில்லை ஆஜராக்கியிருக்கும் ஸ்ரீமான் சுப்பையரவர்களே அந்தக்கம்மிட்டியாரின் றிப்போர்ட்டை ஆதாரமாக வைத்துக்கொண்டு எழுதின ஒரு பில்லை 1913-வது வருஷத்தில் கூடின சட்ட ஸபையில் ஆஜராக்கினார்கள். அந்தபில் ஸபையாரால் அங்கீகாரம் செய்யப்பட்டு ஸெலக்ட்கம்மிட்டியாரிடம் ஒப்புவிக்கப்பட்டது. ஆனால் ஜனங்கள் அவ்விதமான பில் சட்டமாக வருவதினால் யாதொரு நன்மையும் உண்டாகமாட்டாதென்று உணர்ந்து அந்த பில்லிலுள்ள குற்றங்குறைகளையெல்லாம் எடுத்துக்காட்டி கவர்ன்மென்டாரிடம் மனுச்செய்துகொண்டனர். அதனால் 1920-வது வருஷம் கூடின சட்டஸபையில் அந்த பில் பின்வலிக்கப்பட்டது.

இதன் பின்னும், பழயபடி 'சட்டம் வேண்டும் சட்டம் வேண்டும்' என்று முறையிடத்தொடங்கினோம். பிரஜாஸபை மெம்பர்கள் மூலமாகவும் தெரிவித்துக்கொண்டோம். சட்டசபை மெம்பரைக்கொண்டும்

[MR. T. M. Chidambaratanu Pillai.]

கேள்விகேட்கச்சொன்னோம். 'அழுதபிள்ளைதான் பால்குடிக்கு'மென்ற பழமொழி பொய்மொழியாகுமா? எங்கள் விண்ணப்பங்களின் பயனாக நமது காருண்ய கவர்ண்மென்றார் 1921-ல் இரண்டாவது கம்மிட்டியொன்று ஸ்ரீமான் ராஜராஜவர்மா அவர்களின் தலைமையின் கீழ் ஏற்படுத்தித்தந்தார்கள். அதில் காரணவர்களுடையவும் அனந்திரவர்களுடையவும் பிரதிநிதிகள் மெம்பர்களாக இருந்தனர். அவர்களில் நானும் ஒரு காரணவ மெம்பராக இருந்தேன். இந்தக்கம்மிட்டியார் ஸமர்ப்பித்த ரிப்போர்ட்டையும் பில்லையும் தழுவியே ஸ்ரீமான் சுப்பையரவர்கள் பிரஸ்தாப பில் தயார் செய்திருக்கிறார்கள். இதிலடங்கியிருக்கும் விஷயங்கள் பெரும்பாலும் எங்கள் நோக்கத்திற்கும் விருப்பத்திற்கும் அனுகூலமானவைகளே என்பதில் யாதும் சந்தேகமில்லை. சிற்சில பாகங்களில் மட்டும் சில சீர் திருத்தங்கள் அவசியமெனத்தோன்றுகிறது. ஆனால் அவை யாவும் ஸெலக்ட் கம்மிட்டியில் சரிப்படுத்தக்கூடியவைகளேயாம்.

ஆதலால் இந்த பில்லை சபையார் அங்கீகாரம் செய்யவேண்டுவது மிக அவசியம். மூன்றாவது பிரஜாசபை தொட்டு 15 அல்லது 16 வருஷகாலமாக முடங்காமல் முறையிட்டுக்கொண்டுவரும் எங்களுக்கு இனியாவது நற்காலம் சீக்கிரம் பிறக்கவேண்டுமென்று ஆசைப்படுகிறேன். எங்களோடு ஒத்து முறையிடத்தொடங்கின நாயர் சகோதரர்களுக்கு 'நாயர் றெகுலேஷன்' ஏற்பட்டு அது பழகி, இப்பொழுது சீர்திருத்தம் அடையவேண்டிய நிலையிலும் வந்துவிட்டது. நாங்கள் இன்னும் மருமக்கள்வழி வலையில் சிக்கி வருந்துகின்றோம். ஆதலால் இந்த பில்லை, வேண்டும் சீர்திருத்தங்கள் செய்து, கூடிய சீக்கிரத்தில் சட்டமாகப்பாஸாக்கித்தரவேண்டுமென்று சபையாரிடம் வேண்டுக்கொள்ளுகின்றேன்.

பாகம்.

மருமக்கள்வழி சமுதாயத்தில் பாகம் செய்வதற்கு சட்டமில்லாமையாயிலும் சம்மதப்பிரகாரம் பாகம் செய்துவருகிறது வழக்கம். அதாவது, பாகக்கிரமம் தாய்வழியாகவும், தலைவழியாகவும் அவரவர் செள்கரியம்போலே நடந்துவருகிறது.

தலைவழி (அல்லது) ஆள்வீதம் பாகமே நன்மை தரக்கூடியது. முதலாவதாக பாகம் வேணுமென்று இப்போது கேள்ப்பதின் நோக்கங்கள் என்ன? (1) காரணவர்களின் கொடுங்கோல் அரஸாக்ஷியிலிருந்து தப்பித்து ஒவ்வொருவரும் சுதந்திரம் அடைதல், (2) தம்மிடத்தில் எப்போதும் அன்போடிருக்கும் மனைவிமக்களுக்கு தமது சொத்துக்கள் தமக்கு பின் யிரங்குதல். மேல்கூறிய இரண்டு நோக்கங்களும் நிரவர நினைக்கும் கால ஆள்வீதம் பாகமேயின்றி யமையாதது. தாய்வழி பாகம் பிரிக்கிற காலத்தில் ஒரு காரணவர் செய்கிற தீங்குகளுக்கு அஞ்சுகின்ற குடும்பத்தை பல காரணவர் வசம் ஒப்புவிக்கயிடமாகும். காரணவஸ்தானம் நீங்காத பாகம் பாகமே அல்லா. அதினால் ஒரு பயனுமில்லை. இந்த கிரமப்படி அடையும் பாகத்தால் மருமக்கள்வழி ஸமுதாயம் தீமையே அடையுமே அன்றி அணுவளவேனும் நன்மை

அடையமாட்டாது. இனி தாய்வழியாக பிரித்து ஒவ்வொரு தாய்வழி அங்கத்தினருக்கும் இந்த முறைப்படி பிரித்துவிட்டாலோ என்று கேட்டால் அதுவும் கெட்டமுறை. மருமக்கள் வழி சொத்து தாவாட்டில் ஒவ்வொரு அங்கத்தினருக்கும் உருமை உண்டாயது. ஒரு காரணவர்க்கும் இந்த குடும்பத்திலுள்ள ஒரு கடை அங்கத்தினருக்கும் சொத்து உருமையில் வித்தியாசம் ஒரு காலமும் கிடையாது. மூப்பு முறை என்ற ஒரு காரணம்பற்றி அவர்கள் குடும்பக் காரணவர்களாகி அதின் பலனை குடும்ப சொத்துக்களை அநுபவிக்கிறார்களே அன்றி போவ்வா. மருமக்கள்வழி சொத்துக்களெல்லாம் ஸ்திரீகளுக்கே அல்லாமல் போமோ. இவர்களுடைய உருமைகளை பாதுகாப்பது புருஷர்கள் ஒவ்வொருவருடையவும் கடமை. புருஷர்களைவிட ஸ்திரீகளுக்கு பங்கு கூடியிராவிட்டாலும் குறையாமலென்னும் காப்பாற்றுவது நமது பொறுப்பன்றோ? ஒரு பங்கை எடுத்து பலபங்காகவைத்து பிரித்துக்கொடுக்கும் நிர்ப்பந்தம் ஸ்திரீகளுக்கு ஏற்படுமே அன்றி புருஷர்களுக்கு ஏற்படமாட்டாது. இந்த முறைப்படி பாகித்தால் புருஷர்கள் ஒரு பங்கை எடுக்க ஸ்திரீகள் அவர்கள் குழந்தைகளின் எண்ணைத்திற்கு ஏற்பட்டு புருஷன் பங்கில் ஐந்தில் ஒன்று 1/5 அல்லது பத்தில் ஒன்று 1/10 தான் பிறப்பிடமாகும். உதாரணமாக ஒரு குடும்பத்தில் இரண்டு சகோதரிகளும், இரண்டு சகோதரர்களும் இருக்கிறார்கள். சகோதரிகளில் ஒருத்திக்கு இரண்டு குழந்தைகளும், ஒருத்திக்கு நாலு குழந்தைகளும் இருக்கிறார்கள். தாய்வழி பாகமாக பிரித்து ஆள்வீதம் பிரித்தால் இரண்டு சகோதரர்களுக்கு 1/4 பங்கும் சகோதரிகளில் ஒருத்திக்கு $1/4 \times 1/3 - 1/12$ பங்கும் ஒருத்திக்கு $1/4 \times 1/5 \ldots 1/20$ பங்கும் கிடைக்கும். ஆகவே ஒரு குடும்பத்தில் எல்லாபேருக்கும் ஒருப்போலே சம அவகாசமுள்ள சொத்து பக்ஷபாதத்தோடு அங்கத்தினருக்கு ஏற்றக்குறை உடன் பகுக்கப்படுகிறது. புருஷர்களுக்குள் பெரும் துகையும் ஸ்திரீகளுக்குள் சிறு துகையும் கிடைக்கும். இது நியாயத்திற்கும், யுக்திக்கும் சற்றேனும் பொருந்தாது. பாகம் பிரிந்த புருஷனுடைய சொத்து அவனுடைய மனவிமக்களுக்கு சேரவேண்டுமென்பது எல்லாபேருடைய கொள்கை. இம்முறை பாகித்தால் சொந்த சம்பாத்தியத்திற்கு உருமையாயிருக்க அன்னிய குடும்பத்தைச் சொந்த மனவிமக்கள் கூடுதல் எடுக்கவும், சொத்து முழுமைக்கும் அவகாசப்பெட்ட குடும்பத்தைச் சேர்ந்த ஸ்திரீகள் மிக குறைந்த ஓர் அம்சத்தை பிறவும் ஏதுவாகிறது. இது நியாயமான முறை என்று ஒருவரும் சொல்லத்துணியார்.

தலைவழிபாகம் (ஆள்வீதம்) இந்தமுறைப்படி பாகிப்பதே ஏற்றமுறையாகும். ஒரு குடும்பத்தைச் சேர்ந்த ஒவ்வொரு அங்கத்தினருக்கும் குடும்ப சொத்தில் சம உருமை உண்டென்பதை ஆராலும் மறுக்கமுடியாத காரியம். உண்மையை ஆதாரமாகக்கொண்டே கோர்ட்டாரும், குடும்ப சொத்திலிருந்து குடும்பத்திலுள்ள ஒவ்வொரு அங்கத்தினரும் காரணவர் சிலவுக்குக் கொடுக்கவேணுமென்று விதிஎழுதிவருகிறார்கள். ஆகையால் பக்ஷபாதமன்றி கூறுவோமானால் ஒவ்வொரு அங்கத்தினரையும் எண்ணி கணக்கிட்டு குடும்பசொத்தை பங்கிட்டுகொள்வதே ஏற்றமுறையாகும்.

[Mr. T. K. Velu Pillai.]

மருமக்கள்வழி குடும்பத்தில் பலவிதத்திலும் பெறும் தீங்குகள் விளைவித்து வருகிற காரணாவஸ்தானம் நம்மை விட்டு அகலும்.

சிறுவர்கள் கையில் சொத்தை சுதந்திரமாக கொடுத்தால் அவர்கள் சொத்தை நாசம் செய்வது மன்றி கெட்ட பழக்கங்களில் ஏற்பட்டு அதன் பயனாக சமுதாயம் நாகரீகத்திலும் பொருள் உடைமையிலும் அன்றி தன் மதிப்பிழக்கயிடமாகுமென்று ஒரு சாருவர் வாதிப்பார்கள். இது முற்றிலும் தவறாகும். இங்ஙனம் நினைப்பது பெண்களுக்கு கல்வி கற்பித்தால் அவர்கள் கற்புக்குறைவு ஏற்படுமென்று தப்பாக எண்ணுவதற்கொப்பாம்.

சொத்துக்களை பல பாகமாக பிரித்தால் சமுதாயத்தில் செல்வவான்களின் தொகை குறைந்துவிடுமென்று சிலர் ஆசங்கைகொள்ளலாம். பாகத்திற்கு உரிமை உடைய மக்கத்தாயிகளுக்குள் பெரும்பாலரும் செல்வான்களா. அல்லது உரிமையாயின்ற சொத்துக்களை ஒருவர் கையில் வைத்துக்கொண்டு உள்ளழுகிய பூசணிக்காய் போல் உலகத்தை ஏமாற்றும் இந்த மருமக்கவழிக்காரர்கள் செல்வான்களா.

மேலும் மருமக்கத்தாய சிறுவர்கள் கல்வி விஷயத்தில் முன்னேறிடு திரும்புவதற்கும் இந்த மருமக்கத்தாய முறையே காரணமாகும்.

உதாரணமாக ஒரு குடும்பத்தில் 50,000 அன்பதினாயிரம் ரூபாய் சொத்தும் 50 அன்பது அங்கத்தினரும் யிருக்கிறது. ஒவ்வொருவரும் தன்னுடைய பங்கு 1,000 ரூபாய்தான் உண்டு என்று நினைக்காமல் ஓரொருத்தரும் தனக்கு 50,000 ரூபாய்க்கு சொத்து உண்டு என்று நினைத்து பிறுமாப்புக்கொண்டு கல்விப்பயில வேண்டுமென்ற எண்ணம் அறவே ஒழிந்து ஏராளமான பொருளை சிலவு செய்து பிரயோஜனமில்லாமல் திரிந்து வருகிறார்கள். காரணம் தனக்கு அவகாசப்பட்ட சொத்து யின்னதுதானென்று தெரியவில்லை. ஆதலால் ஆள்வீதபாகமே சமுதாய நன்மைக்கு ஏற்றது.

டிருப்ட்டு (Draft) பில்லை திருத்த வேண்டிய பாகம்.

தாயார் யிருக்கிற காலத்தில் அவளுடைய பிள்ளைகள் தாயாரிடத்தில் எந்த காரணம் பற்றியும் பாகம் கேட்கக்கூடாதென்றும் தாயாருடைய காலம் கழிந்தபின் பரில்தான் பாகத்துக்கு அவகாசம் போலானதும் டிருப்ட்டு (Draft) பில்லில் காணப்படுகிறது. அதினுடைய அர்த்தம் விகதமாகவில்லை ஒவ்வொருவரும் தனித்தனி ஸ்வாதந்திரியத்தோடு பாகம் கிடைத்தால் தாயாரிடத்தில் பாகம் கிடைக்கவேணுமென்று ஆர் கேள்க்கப்போகிறார்கள். அதை விக்தமாயி எழுதவும் அதாவது முதலாவது பாகம் கழிந்து பின்னீடுள்ள பாகத்தில் தாயாரிடத்தில் காலம்கழிக்கிறதற்குமுன்னே பாகம் கேள்க்க அவகாசமில்லை என்று எழுதணம்.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I am interested in the Nanjanad Vellala Bill for three reasons: first, because it is before this Council; secondly, because it has

got several points of affinity with the law which governs the caste to which I belong; and thirdly, because I have a very intimate knowledge of the Nanjinad Vellala Community. I have lived several years among them and I have often looked upon them as a very fortunate kind of people indeed. Sir, the most famous place in Travancore, Cape Comorin, is in Nanjinad. Two of the most famous temples, Cape Comorin and Suchindram, are in Nanjinad. The best rice-fields are in Nanjinad. I speak subject to correction by Mr. P. K. Narayana Pillai who hails from Ambalapuzha and who may perhaps hold that Kuttanad fields are excellent. But he might concede that Nanjinad is not inferior to Kuttanad. If we look into the history of Travancore, we shall find that, whenever there was any difficulty for resources, our Sovereigns have been intending upon the most willing and devoted service of the people of Nanjinad. The community have been trying their best to do their duties towards themselves and to the State. But on account of various causes they have lost the hold that they had in the country. For several years, it has been felt that the *marumakkathayam* law which they embraced for certain political reasons was not enough to meet the requirements of the present state of society. They found that others were successfully trying to rectify the mistakes in their own law. But, because the number of English-educated gentlemen in the Nanjinad Vellala community have not been so large as in other castes, it has not been possible for them to place a legislative measure before this council earlier than this. But the need was always felt and the people of Nanjinad demanded a reform of the law with one voice. I fear, Sir, that we are already too late in legislating for those good people. Let us therefore not lose any more time. It is painful to remember that, although efforts have been made from the year 1090 onwards, they have not had the advantage of the new law up till now.

I am certainly of opinion that the *marumakkathayam* system has become an impossible system whether in Nair *tarwads* or Nanjinad Vellala *tarwads*. And as Mr. Subrahmanya Pillai has put before this House, the Nanjinad people have got greater facilities to give up *marumakkathayam* and embrace *makkathayam* all at once, because, even from the time of their migration, although certain modifications of social habits have arisen, they have not left the old moorings and the old social customs, but have preserved some of their old usages. The *Ukantudama* and *Nankudama* are examples of this. Therefore, Sir, I maintain that it is easier for *them* to get *makkathayam* than for the Nair community to achieve the same result. And for another reason which has been pointed out by my friend, namely, that unlike other communities who seek a change in the law, the Nanjinad Vellalas alone will be affected by the legislation. I must congratulate them on this facility that they have and which is denied to the Nairs.

When we come to the question of marriage, there is the much-debated question of polygamy. I am not at all for passing a law which declares that every male should encumber himself with half a dozen wives. It will be bad for various reasons. But when it is absolutely made out

[Mr. T K. Velu Pillai.]

that social customs do not prevent a man from having a second wife, when it is proved to the hilt that a second wife is absolutely necessary for him, whether because the former wife is suffering from a disease or for any other reasons, I do not think that the legislature will be justified in standing between him and his desires, especially because it is not an immoral desire. You find polygamy allowed as an institution throughout India. And in these days of Hindu-Muslim unity, the experience of the Mohammedan community, which is also very prosperous, should benefit us. Therefore, when we find that the people as a whole do not want a law prohibiting a man's liberty of taking more than one wife, we should not object to that. After all, Sir, the question of polygamy and monogamy is a matter of history—very much a matter of taste. (*Laughter.*) Englishmen, for example, take great delight in cheese. (*Laughter.*) For my part, I do not like cheese. (*Laughter.*) And several of my Indian friends have told me that it is imposible for them to like it.

MR. A. HOOGEWERF (*Nominated*): May I know, Sir, what connection there is between cheese and wives? (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sometimes both are delightful. (*Laughter.*) Ox-tail soup is a delicacy to some western people. But Hindus have not much pleasure in it, nor some of my Christian friends. Although people in India would like mangoes pickled in hot chillies, a European cannot stand even its smell. He would rebel against it and throw it away. So also, in social customs there is a difference. There is the institution of primogeniture in England. People have been living under it. And in spite of their civilising influence and their position in the civilised world, Englishmen have not rebelled against the system of primogeniture. If primogeniture is sought to be introduced into our country, I am sure, the representative gentlemen who constitute this Council would protest against it. So also social customs depend upon historical reasons; and to say that monogamy is a virtue—it may be a virtue—and that therefore people ought not under any circumstance to take two wives is an argument which I am not able to appreciate.

MR. A. HOOGEWERF (*Nominated*): *Sati* was a social custom. Will Mr. Velu Pillai resort to it again?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not understand him. If he would put his question in a better form, I am prepared to answer him.

MR. A. HOOGEWERF (*Nominated*): *Sati* is a social custom which has been abolished. Will Mr. Velu Pillai resort to it again?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, the question pre-supposes that I have submitted to *sati* once. (*Laughter.*) But I must say that I am here before you and I have not submitted to it. (*Laughter.*) And it is not men that had to submit to *sati* but women. (*Laughter.*) *Sati* has been declared to be illegal.

MR. A. HOOGEWERF (*Nominated*): Would he allow women to commit *sati*?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): It has been declared to be illegal by legislative enactment. Eeven with regard to that, I must say that if there is a woman who is prepared to die with her husband and who looks upon chastity as the greatest ambition of earthly existence, and that widowhood is a burden, if such a woman wants to immolate herself upon the funeral pyre of her husband, no legislature would be able to prevent her. But as there is a law which is already in force, I do not want to rake up the question.

MR. A. HOOGEWERF (*Nominated*): If the woman attempts to cut her throat or ascends the furneral pyre of her husband, would Mr. Velu Pillai take up her case?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I might say for the satisfaction of Mr. Hoogewerf that murdering wives and murdering husbands were not so common in the community where *sati* was allowed in ancient days.

PRESIDENT: He referred to suicide and not murder.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I say, suicide and murder stand on different principles. Suicide is one of the most cowardly acts. Murder is a crime, a cowardly, mean, detestable act. But if a woman is prepared to immolate herself on the funeral pyre of her husband, that may be a virtue, that is not an act of cowardice; She may think it is one of the boldest acts that a human being can do. But, all the same, I do not want to enact such a law permitting *Sati* in our Statute Book.

MR. A. HOOGEWERF (*Nominated*): May I ask whether, if Mr. Velu Pillai had something to do with law-making, he would go back to *sati*?

PRESIDENT: Let Mr. Velu Pillai finish and then you may put your questions.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am prepared to answer him.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether, if Mr. Velu Pillai had something to do with law-making, he will go back to *sati*.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I rise to a point of order. The whole discussion is irrelevant.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The question of legislating on *sati* is not before the House and I too think that this question does not arise.

I wish to submit for the consideration of this House that when social customs require that progeny should be the indispensable condition to save a soul according to the Hindu religion, when one wife is barren and when a child is so much wished for, I do not want the legislature to impose its restriction in the matter of getting spiritual salvation as well as in the matter of worldly peace and contentment.

[MR. T. Lakshmanan Pillai.]

I am in favour of individual partition. But I do not want this fetish of individual partition to dismember *tarwads* and pave the way for their ruin. I have heard so much said by gentlemen who belong to other communities, who do not live under the *marumakkathayam* system of law, that individual partition is one of the finest things in the world. May I ask, Sir, if any of these gentlemen who have inherited ancestral properties will be prepared to take an equal share, equal to the share obtained by their children, grandchildren and great grandchildren? The difficulty is, when you accept the principle of individual partition as an abstract principle, a child which is born this moment will get as much right as a *karanavan* who has been in management of a *tarwad* for thirty or forty years. Although there have been several *karanavans* who have been doing mischief, I know of several other *karanavans* who have been doing good to the *tarawad*. That such a *karanavan* should be cut off with a shilling and should be brought down to a position of disadvantage based on abstract theory, the same position as that of a new-born chlid will not be very wise. My suggestion is that, while accepting the principle of individual partition, we must have many safeguards by which this great Nanjinad Vellala community which has done so much for the people of Travancore and the Royal family of Travancore, should be saved from sudden destruction. With such safeguards, I accept the principle of individual partition.

I may take this opportunity to observe that the *marumakkathayam* system has been a kind of millstone round the neck of the Nanjinad Vellala community. Some twenty-five years ago, when I was quite a boy, I had occasion to speak to a respected gentleman of the Nanjinad Vellala community in the Agastisvaram taluk. I asked him why a sufficient number of young men from Nanjinad were not proceeding to Trivandrum to prosecute their studies in His Highness the Maha Raja's High School and College. That gentleman, with characteristic originality and force of truth, said: "Well, my young friend, God has given us one of the most fertile lands in the world." The fertility of Nanjinad which is one of its great features -- has stood in the way of their improvement in the scale of society. That, of course, is a matter which I do not want to be reformed, because I want the paddy fields of Nanjinad to be more fertile than they are and I may even wish that the over-assessment which the people there are now suffering under may also be removed in the fulness of time. But the other difficulty, *viz.*, the *marumakkathayam* system, ought to be removed. And here we have a very favourable opportunity of looking into the question and profiting by the provisions of the Nair Bill and the Ezhava Bill which also stand in some affinity to the Nanjinad Vellala bill. I have very great pleasure in supporting the principle of the Bill.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, I support the principle of the Bill. But I wish to correct a fundamental misconception that underlies the use of the expression 'domiciled in Travancore' occurring

in section 1, para (ii) of the Bill, as applied to the Nanjanad Vellalas. If it be meant that they were originally foreigners and were subsequently naturalised in Travancore, I have to take exception to that expression, for it is incorrect and historically untrue. There was no migration at all. Nanjanad corresponds to the ancient Tamil kingdom of Venad, frequently referred to in ancient Tamil classics as well as in inscriptions and copper-plates found in Travancore. Venattadikal frequently figures in old copper-plate grants, etc., as witnesses attesting important incidents in other *nads*, as early as the beginning of the Malabar Era. I believe the immediate ancestors of Martanda Varma Maha Raja, the great Sovereign who consolidated the various *nads* into the present State of Travancore, were themselves kings of Venad. The above-mentioned facts may be verified from the *Travancore State Manual* and other historical documents. The kingdom of Venad, extending from Attingal to Cape Comorin, was a purely Tamil country and the present Tamilians of Nanjanad, including the Nanjanad Vellalas, are simply the descendants of the ancient inhabitants of the land. Under these circumstances, I have to submit that the incorrect expression "domiciled in Travancore" has to be deleted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have very great pleasure in welcoming this piece of legislation. Credit is certainly due to all those persons who have worked or co-operated in producing a measure of this description before the Council. This is a piece of original legislation and in that respect the praise that it deserves is certainly much enhanced. In the matter of social legislation, our State is now yearning for a very great measure of reform, and this demand made by the Nanjanad Vellala community is quite in keeping with the times.

The necessity for a measure of this description may be easily demonstrated in view of the opinion entertained by judicial tribunals with reference to social customs and observances not only outside Travancore but also in Travancore. It is very strange to see that, so late as the decision in 35 T. L. R., 360, the High Court of Travancore seem to have been assuming that there is nothing like a valid marriage in the Nanjanad Vellala community. Therefore it is certainly the duty of the legislature to interfere and to place matters in the true light so far as the community is concerned. Hence the provision recognising the existence of a valid marriage in the community is absolutely necessary and is quite timely.

With reference to the general principles underlying the present measure, I have very little to say. I welcome the main principles and I do not oppose in any measure the outstanding principles as may be gathered from the Bill. Further, I notice some of the clauses in the Bill have been very carefully drafted; but in some other respects the same care does not seem to have been exercised.

With respect to the question of monogamy and polygamy, the admirers of the European system of marriage would find it very difficult to approve any system of polygamy. Yet I would draw the attention of

[Mr. P. K. Narayana Pillai.]

the Council to what the Deputy President had to say in connection with Nair *tarwads*. In the European system of marriage, it is very difficult to get a European to recognise an Indian system of polygamous marriage. When lately under a misapprehension it was supposed that the Gaekwar of Baroda was no longer, the *Times* came out with a leader about the polygamous nature of his marriage and emphasised the fact that somehow or other the Gaekwar was thought to be an abettor. Though that would be very difficult to accept from a European standard, so far as we are concerned, it is very difficult to dissociate ourselves from a long-standing practice which has been obtaining in the various communities among which we live, but also in those communities which are adjoining them. So the particular provision in this Bill prohibiting polygamy is a question deserving reconsideration at the hands of the Nanjanad Vellala community when the matter will come up for being threshed out in the Select Committee.

Then, with respect to clause 4 of the Bill, Mr. Subrahmanya Pillai's criticism is very valuable so far as I can see. As he observes, if there is a preponderance of the female element in the community and if the legislature is going to interfere in the matter of the marriage of persons whose marriage happens to be dissolved either by death or divorce, then that will be cramping the society to a considerable extent. As a matter of fact, the legislature cannot oppose itself to the present possibility of such marriages. It is certainly not encouraging all manner of undesirable marriages; and as such, the fetter that is sought to be forced under clause 4 has again to be considered.

Passing further on, I come to clause 6 and beg to raise the question why the petition of dissolution of marriage should be presented to the Court of the District Munsiff within the local limits of whose jurisdiction the respondent resides. Unlike the Nair Regulation or the Ezhava Regulation, no pecuniary limit has been hinted at in this measure. All that the clause says is that reasonable compensation should be given to parties under certain specified causes. No pecuniary limit, having been fixed it may occasionally be that the parties concerned are very rich and they can make one party give more in the matter of compensation. Therefore, in view of the peculiar provisions of this enactment, that clause requires a modification to see that the petition for separation may be presented either to the District Munsiff's Court or to the District Court as the case may be.

Then again, coming to clause 12, we find that it says

"Every Nanjanad Vellala shall have absolute powers of disposal over his or her self-acquired or separate properties".

I do not know whether the Law Member who is in charge of the Bill took into account some of the recent pronouncements of the Travancore High Court with respect to the nature of *ukantudama*. For example, I may refer to 36 T. L. R., 253, where their Honors observe that the claim for *ukantudama* is a charge upon the *tarwad* property. I

the community is prepared to stand by that ruling, to say that there shall be absolute right over separate or self-acquired property is a proposition which cannot easily be granted. I bring to the notice of the House how the law is being worked up by the High Court and how the legislature is proceeding in the matter. Both certainly cannot be consistent.

Then coming to clause 19, we find it says:

"On the death of an intestate female leaving a husband but no children, the widower shall enjoy the property of the deceased till his death or remarriage whichever is earlier".

With respect to that provision, why grandchildren should be excluded is not very clear. In some of the prior provisions of the Bill, the claim of grandchildren to succeed has been recognised. Therefore, whether it is not an omission is what I am led to suspect.

Then coming to the question of maintenance and guardianship, I may say that the language employed seems to stand in need of revision. In the prior provisions of the Bill, it has been provided that owing to certain difficulties as in the case of incurable diseases, etc., a wife may be divorced by the husband or *vice versa*. Suppose the wife is suffering from a so-called incurable disease, which itself may be curable in the advancement of science. What is her condition? Is she not entitled to maintenance from her husband? That is a question that this House has to examine, when we consider the question of maintenance.

With respect to the question of guardianship, there are two sections in the Bill. They are sections 23 and 24. Section 23 says:

"The husband shall be the legal guardian of his minor wife and the father the legal guardian of his minor children in respect of their person and property. On the death of the father, the mother shall be the legal guardian of the minor children."

And section 24 says:

"Where the wife has minor children by a former husband deceased or divorced, she shall be the legal guardian in respect of their person and of the separate properties belonging to them".

These two sections do not take into consideration the possibility which is clearly provided for in the Bill that the husband or the wife as the case may be may themselves be minors. Therefore the provision that the husband shall be the legal guardian of the minor wife requires reconsideration, for in a prior portion of the Bill we have the provision that minors may marry provided they obtain the consent of their guardians. Suppose such a minor husband marries a minor girl. In such a case, will the legislature say that the minor husband shall be the guardian when he himself is under the guardianship of another? That is a difficulty presented by section 23. A similar difficulty is experienced in the case of section 24 also, with respect to the wife.

With respect to testamentary succession, the heading itself is not very happy. It is not a case of testamentary *succession*. Section 27 says:

"A Nanjanad Vellala may dispose of by will the whole of his or her separate or self-acquired property".

[Mr. J. John Nidiry.]

It ought to be, properly speaking, a testamentary *power*. With respect to that again, I would bring to the notice of the learned Law Member the prior ruling about which I made reference as to the liability of the properties to certain charges in favour of other people.

These are some of the observations which strike me at this stage of the Bill, and these I present to the House for further examination at the hands of the Select Committee.

Sir, nothing will give me greater pleasure than to assist the passage of this Bill and to better the condition of the community for whose benefit the Bill has been framed.

With these observations, I have very great pleasure in supporting the principle underlying the Bill and I do so.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, I have also very great pleasure in supporting the principle of the Bill. But I may be permitted to say that I am not much personally acquainted with the Nanjanad or the Vellala community, and that my knowledge is more by repute. As one who comes from north Travancore, Nanjanad is known to me as a land which possesses very beautiful paddy fields; and we the people of north Travancore also know the Nanjanad Vellala community as the community which had contributed our former accountants who were responsible for the carefully prepared accounts which we possess in regard to old *ayacut* and other things. Still I may assure my Nanjanad Vellala friends that I take as much interest as anybody else in the welfare of the community and also in the successful passage of this Bill which is to affect largely the future career of the community, and as such, I think it is my duty to speak a few words on this important occasion. I carefully went through the interesting report of the Nanjanad *Marumakkathayam* Vellala Committee which was placed before me and I should say that I congratulate the worthy President and the members of the Committee for the careful and interesting report which they have furnished, and I think that, in spite of the demurring notes we have heard from some of the members, the Committee and the President deserve every congratulation from this House for the very interesting report that they have been able to place before us. It was a surprise to me to hear some discordant notes from my valued friend Mr. Subrahmanya Pillai who himself was one of the subscribers to this report. In spite of the remarks that have been offered against some of the provisions of the Bill, I should think that the Bill, as it is, is decidedly an improvement on the other two connected Bills with which we had to deal—I mean, the Nair Bill and the Ezhava Bill. I am glad to note that provision has been made in the Bill to remove the disabilities of women with regard to their rights to properties, which we find in the ordinary Hindu Law. I am also glad to find that provision is made for individual partition to satisfy the modern aspiration for individual rights in the *tarwad* property. Of course, there may be differences as to details, with regard to

which further changes may be effected at the Select Committee stage. Still, on the whole, the provisions as contained in the Bill are deserving of congratulation. I am sure that the Bill, as it is, requires very little modification and that the passing of the Bill is bound to bring untold good to the community.

There has been some dispute as to polygamy and that sort of thing. As far as my opinion goes, I think that the provisions contained in the Bill should be allowed to remain as they are. The framers of this Bill seem to have carefully thought over the matter from the different standpoints and the conclusion they have arrived at seems to be the right one in my opinion. And any serious interference with the provisions is bound to impair their importance and utility.

Then there has been some dispute with regard to partition, *viz.*, whether it should be *per stirpes* or *per capita*. If we concede the principle of impartibility, that is, if the *tarwad* is considered to be an impartible whole, partition *per capita* is the only proper solution, because in that system, every member of the family whether *karanavan* or *anandaravan* or an infant, all are supposed to be co-owners in one sense; and in that sense, if the division is to be *per stirpes* the idea of the original *marumakkathayam* system could not be possible. Most probably, that must have been the reason that led the framers of the Bill to follow division *per capita* instead of *per stirpes*, though in the ordinary *makkathayam* system division *per stirpes* is accepted.

I may promise my Vellala brethren here and outside the Hall that I shall be very glad to contribute my support towards the successful passage of the Bill. With these few remarks, I support the principle of the Bill.

MR. A. HOOGEWERF (*Nominated*): Sir, it is a matter for extreme gratification that social legislation is tending towards *makkathayam* and individual partition, among the Nanjanad Vellala community. Probably, the discussions that we had about divorce in the former pieces of legislation—the Nair and Ezhava Bills—have, in a way, greatly tended towards the sound provisions that have been made in this Bill by the Law Member. I was extremely sorry to hear one or two discordant notes. Sir, it is free and easy divorce which is the curse of a great part of the Christian world, specially America and England. It is this terrible calamity of free divorce that is the cause of disruption and unhappiness in families. Mr. Paul V. Daniel quoted Mr. Azhakappa Pillai who is the son-in-law of the most influential and the richest Vellala in south Travancore. The Catholic aspect of divorce was beautifully put forward by Mr. Azhakappa Pillai—that Catholic marriage is indissoluble. What God has put together, let no man put asunder, for better for worse, for richer for poorer, till death does them part. The law allows Brahmins to have two wives, but 95 per cent. of Brahmins have only one wife in spite of the permission given to them by legislation. Take the Nairs of twenty years ago and take the Nairs now. Eighty or ninety per cent. of them have only one wife although the law allows them to have more than one. Take again the Mahomedans. My friend

[Mr. K. Paramesvaran Pillai.]

Mr. M. K. Khadir Pillai just tells me that, as a rule, Mahomedans have only one wife, except the man in the street, the vulgar portion of it. So the sanctity of family life with one wife is being recognised all over the world. It was a thunderbolt to me to hear Mr. S. Subrahmanya Pillai make a pronouncement about polygamy, and it took the breath out of me. It is like doubling the Karamanai river or asking it to flow upwards; when civilisation is marching forward and going on to monogamy it is outrageous at this hour of day to propose to go back to polygamy.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I want to rise to a point of personal explanation. Nobody wanted to enforce polygamy. My point was that, under particular exceptional cases, a man *may* be permitted to have more than one wife. I did not say, nor did I understand Mr. Subrahmanya Pillai to say, that polygamy should be enforced. (*Laughter.*)

PRESIDENT: Mr. Hoogewerf also does not say that.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Because it is rather a subtle point which, I thought would require an explanation, I rose to speak on that point.

MR. A. HOOGEWERF (*Nominated*): Society depends upon the sanctity of married life. It is the foundation of society and it is the foundation of all good government. Unless the husband, the wife and the children live in happiness there can be no society and there can be no good government. It is in fact the fabric of society. No one who has two wives with a number of children by both can be happy. The children will be fighting like Kilkenny cats. The wives will be tearing each other's eyes out and pulling out each other's hair. The time is past when polygamy was looked upon as a social custom. The schoolmaster is abroad, education has spread all over the world, and universities are springing up everywhere. Woman is beginning to know her freedom and is coming by her own, both in the family and in society. What a dreadful thing it is to contemplate to have in one house two wives with jealousy between one wife and another! The man will not have any peace of mind or body at all, and everything will be at sixes and sevens. I therefore strongly protest against the very idea of polygamy. I congratulate the Law Member in having brought forward a Bill on such sound lines quite in keeping with the times, though I do not entirely subscribe to the several items of the Bill. I fully support the Bill as a whole.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I congratulate the members of the Nanjanad Vellala Committee on the progressive spirit which runs through this Bill. In fact, to my mind, this Bill represents the highwater mark in social legislation in this country. (*Hear, hear.*) In some respects, it goes perhaps much farther than even the wildest expectations of the several members of the community itself. I

even feel jealous of the community in so far as in regard to my community the same advanced views were not supported to the same extent in this Council.

In regard to the Bill, there are some matters which, though perhaps they might appear to be details, will affect the main principles of the Bill and which require consideration. The first question to my mind which presents some difficulty is the question of partition. The provision for partition in this Bill is as simple as simple could be. Simplicity is itself a merit in certain cases. Unfortunately it has not got any merit in regard to the provision for partition in this Bill. I regret that the framers of this Bill did not consider it necessary to enlarge or amplify the provisions of this Bill in regard to partition. The Bill recognises the right of every member of a *marumakkathayam* Vellala family to demand a share in the family properties. The only fetter which is sought to be imposed upon this right is the life of the mother. This may appear to be simple at first sight. But when you consider it more closely, you will find that it will lead us into great absurdities. It assumes that every *marumakkathayam* Vellala family consists of a mother and her children alone. A *marumakkathayam* Vellala family, or, for the matter of that, a Nair family, or an Ezhava family might consist of more than three or four generations of members. It may consist of a mother, a grandmother, a great-grandmother and her children. I will illustrate my point a little further by a concrete instance. Take for instance, a family in which there are two generations of members, women having grandchildren. Supposing the grandmother is alive in such a family and one of her daughters or granddaughters dies leaving children, what is to be the law of partition that should be applied to such a family? According to the provisions in the Bill, no member will be entitled to a division except the children of these young ladies who may have died. Take another case. A woman has got three sons and two daughters. She is alive. These two daughters have each got two daughters and two sons. Supposing one of these daughters—the granddaughters—dies leaving two minor sons - then in that family which consists of so many members, the minors would alone be entitled to ask for a share in the *tarwad* property. That would be exactly the result of the provision for partition in the Bill; because in clause 9 it says that "subject to the provisions of section 11 every member of a *tarwad* may be compelled to divide from any other member of the *tarwad*". Clause 10 says that "*tarwad* properties shall be divided among all its members"; and clause 11 says that "no claim for partition of *tarwad* property shall accrue to any person during the life-time of the mother of such person". So that, if there is one member whose mother is not alive, he alone shall be entitled to partition. There may be several members, both male and female, who are senior to him, yet those persons who are several years senior to him will not be entitled to ask for partition. That will be the result of the provision as it now stands. I do not think the framers contemplated this aspect, because, on going through the report of the Select Committee on the prior Bill and that of the Marumakkathayam Vellala

[Mr.K. Paramesvarn Pillai.]

Committee, I find that this restriction was not imposed with regard to *tarwad* property, and rightly, but in regard only to *sub-tarwad* property. Of course, the *sub-tarwad* may ordinarily consist only of a mother and her children. But in regard to *tarwad* property, no such restriction seems to have been imposed, because they have not met with the difficulty that I am trying to point out to the House. If that is not what is intended, we will have to say that partition can be effected only in the manner suggested by the Ezhava Regulation or the Cochin Nair Regulation. That is the only consistent view that can be taken. If you impose any restriction on the law of partition, although it looks as if the principle of individual partition was recognised, it appears to me that it is far, far behind actual individual partition. If it means what it really reads, it will lead to serious difficulties and absurdities. That is one point which I wish to lay great emphasis upon and which I suppose will be taken note of by the Select Committee at the proper stage.

Another point is with regard to the jurisdiction of courts in the matter of dissolution of marriage. In the case of the Ezhavas and the Nairs, the Munsiffs were vested with jurisdiction because it is purely a formal matter; but in the case of this Bill, the dissolution of marriage is a far more important and serious matter than in the case of the Nairs and the Ezhavas. Very many questions of great importance—questions of fact in issue of a very important nature—will have to be decided by the Court in determining the right to divorce. It appears to me therefore that this matrimonial jurisdiction should not be vested in the Munsiffs but should be conferred on the District Courts which alone should be competent to decide such cases. To my mind no hardship will arise therby because the community lives in a more or less compact area and within that area there is a District Court. Therefore it cannot be a cause for any great inconvenience or injustice.

Then in regard to intestate succession, the mistake that was committed in the Nair Regulation has been perpetuated in this Bill also. The definitions of "issue" and "children" have been the subject-matter of great controversy subsequent to the passing of the Nair Regulation. I am afraid that, if you leave the section here as it is, then it will lead to the same curse of litigation with the uncertainty in regard to this expression.

In regard to the uncertainty of expression we find "children" used apparently only in the sense of daughters of the deceased. Section 14 says:

1. "On the death of an intestate male leaving him surviving children, they shall be entitled to the whole of his property subject to the right of the widow of the deceased for maintenance until her death or her remarriage whichever is earlier.

2. The male and female children of the deceased shall take equally the property referred to in sub-section 1.

3. If any child of the intestate shall have predeceased him but leaving issue, such issue shall be entitled to the share which such child, if alive at the time of the death of the intestate, would have taken".

Of course, the children are not entitled under the law for partition to any share in the property at all because the mother may be alive.

There are certain other small defects also some of which have been pointed out, but they may be taken into consideration by the Select Committee and I need not elaborately deal with them now. These are matters, I submit, that should be taken into serious consideration in discussing the several provisions of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I am glad that the Bill has met with the general approval of the House, but I may explain one or two matters against which some criticisms seem to have been levelled.

In the first place, I have distinctly stated in the Statement of Objects and Reasons as to what part I played in the drafting of the Bill. I did not do anything except to copy the Bill submitted by the Committee with one or two verbal alterations which I thought necessary. One was in the case of intestate succession. It was stated that, in the absence of the widow and children, the brothers and sisters alone should take the property. I thought that the Committee had inadvertently omitted the mother. So I included the mother also.

Then in the case of partition, it was expressly stated in the body of the Report that nobody could claim partition of *tarwad* property during the life-time of the parent. I thought they meant only the mother when they said parent, because during the life-time of the father his children are not considered to be members of the *tarwad*. So it can only have meant 'during the life-time of the mother'. I therefore converted 'parent' into 'mother'. These are the only alterations that I made so far as the Bill itself is concerned.

Therefore I am not responsible for any mistake. If there is any mistake, Mr. Subrahmanya Pillai himself must account for it. There is absolutely no note of dissent on the part of the signatories. So I thought that the Bill was acceptable to the whole community. Of course it is open to Mr. Subrahmanya Pillai to change his views on some points, especially since we have had the benefit of the discussions on the Nair Bill and the Ezhava Bill. I do not find fault with Mr. Subrahmanya Pillai for having changed his views. I only thought that there was unanimity of opinion because, even after six months after the publication of the Bill, no objection has been raised. Further, as I said, having acted upon the assurance given by Mr. Subrahmanya Pillai, I think he is estopped from finding fault with me for some mistakes in the Bill.

MR. M. SUBRAHMANYA PILLAI (*Co-opted Member*): I only find fault with him because he failed to bring in the Bill his idea as stated in his Statement of Objects and Reasons. There he says that only a widow and a widower could marry and he has failed to bring out that idea in the bill. That is the only fault that I pointed out in regard to him. As regards the other points, I have myself changed my opinion. I think I have grown wiser by time. (*Laughter.*)

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to clause 4, I may say that, if my friend will only take the trouble to read clause 4 as drafted by him and clause 4 in the present Bill, he will find that there is absolutely no change. Word for word, it is the same. If there is any mistake, I do not think it can be attributed to me.

With reference to the other clauses, we have had very many interesting observations. Mr. K. Paramesvaran Pillai has made some suggestions with regard to partition and other portions of the bill; and so also Mr. P. K. Narayana Pillai. Whether it is myself or the Committee that drafted the Bill, the object of the discussion in the House is to see that the various aspects are placed before the House so that we may come to a final and satisfactory conclusion in regard to the matter. I believe the Select Committee will certainly take into consideration all the criticisms that have been levelled against some of the clauses in the Bill; and when it emerges out of the Select Committee, I daresay, it will be acceptable to the whole House.

The question that the Nanjanad Vellala Bill be read in Council was then put to vote and carried.

The Secretary read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committee, consisting of Messrs. M. Subrahmanya Pillai, T. M. Chidambaratanu Pillai, Paul V. Daniel, T. Kumara Pillai, N. Ramakrishna Pillai, K. Paramesvaran Pillai, P. K Narayana Pillai, M. Raja Raja Varma and myself. I think it will take six months before the report is presented to this Council.

PRESIDENT: Mr. Subba Aiyar will be the President of the Select Committee.

The Council adjourned for lunch at 2. 10 P. M. and reassembled at 3. 8 P. M.

THE TRAVANCORE GOVERNMENT SECURITIES BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Government Securities Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The main object of the Bill is to remove some of the difficulties that have been experienced with regard to the Travancore Debenture Bonds. In the first place, the transfer, assignment, or negotiability and other matters connected with these bonds are now regulated by rules passed by the executive, and therefore compliance with the rules will not in the least absolve Government from ultimate liability. Besides, the public who have taken the bonds do not have the necessary protection which they ought to have in the case of Government securities.

I would explain the point further. In the first place, under the rules it is stated that every bond in order to be negotiated must be endorsed and the assignment or transfer should be registered by the Financial Secretary. Then only will it have any effect and the Government will be liable to pay. The effect of this is that it is not ordinarily possible to negotiate these bonds and they do not get as much currency as they ought to. I may mention the case where, when one person was about to become an insolvent, he endorsed a bond in favour of his creditor who, in turn, endorsed it in favour of another gentleman who endorsed it in favour of the Imperial Bank of India. The Account Officer stoutly refused to recognise the assignment because it was not registered by the Account Officer when transferred. In such cases Government must be bound, strictly speaking, to recognise the negotiability of these bonds. As it is, the free purchase and sale of bonds are practically impossible and the procedure should be made as simple and easy as possible. It is with a view to remove such difficulties that the present Bill has been introduced.

I will now state some of the provisions of the Bill. First of all, if a bond stands in the name of an executor, the beneficiaries are not entitled to payment. Government should be in a position in such cases to pay the trustee, ignoring altogether the persons who are really entitled to it. In such cases, the question as to the relationship of the executor and the beneficiary and the extent of right of the beneficiaries should be decided by a court and not by the Government as recognised by the rules now.

Then again, in the case of bonds which stand in the name of two or more persons, if one of them dies, the survivors are entitled to the bond and the heirs of the deceased have to go to the courts of law to have their rights ascertained. In the case of minors in whose name a bond may stand, the interest may be paid to the guardians and Government will be absolved of all liability in the matter.

Lastly, if a person endorses a bond, it will be known to everybody that the endorser will be liable to the man, whoever he may be, who ultimately gets the bond, so that the intermediate endorsers are not absolved from all liabilities. The Bill absolves from all liability, the liability being thus imposed on the Government alone. These provisions are intended to give more currency and to remove the inconvenience and difficulty experienced for the past so many years in the practical working and assignment of these bonds. I hope therefore that this Bill will be acceptable to the House.

The question that the Government Securities Bill be read in Council was put and carried.

The Secretary read the title of the Bill.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill be referred to a Select Committee consisting of Messrs. N. Padmanabha Pillai, K. Paramesvaran Pillai, G. Paramesvaran Pillai, R. Nilakanda Pillai and myself. I think the report of the Select Committee will be ready in three months.

[Mr. P. K. Narayana Pillai.]

PRESIDENT: Mr. Subba Aiyar will be the President of tha committee.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, Mr. Nilakanda Pillai will be here only for some time. When Mr. George rejoins us, he will have to be separately appointed to the Select Committee.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the case of any vacancy, the Dewan has the power to appoint another.

PRESIDENT: Mr. Nilakanda Pillai will resign and Mr. George will be put in by me.

THE TRAVANCORE MAJORITY BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Majority Bill be read in Council.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The object of the Bill is very elaborately stated in the Statement of Objects and Reasons. In Travancore, for the purpose of some regulations, for instance, the Limitation Regulation, the Registration Regulation and the Guardian and Wards Regulation, the age of majority is fixed at 18. But, in some of the decisions of the High Court, it has been held that the common law has been abrogated only to the extent or for purposes of these Regulations and therefore the age of majority should be regarded as 16. That leads to many complications and the judges themselves who decided the cases have suggested that, although they had decided otherwise, it is open to the legislature to correct the mistakes in the common law and to see that the age of majority is fixed at 18. In pursuance of their suggestion and of the interpellation of one of the members of this House, this Bill has been brought in. I do not think it requires further explanation. There is only one section in the Bill.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): While supporting the principle of the Bill, I have to make one observation. The law with respect to the question of majority as now settled by the High Court, except under certain Regulations and the general law of the land has to be taken to be 16 years of age. When that is the law, the Bill that we now intend to pass in this Council proposes to make 18 years as the age of majority. We must certainly give some time for the altered law to come into operation. For example, when we changed the law with respect to limitation, a time-limit was specified for the parties who have got anything to do under the existing law to make up their mind to accept the new law which is to be passed. Accordingly the

Indian Majority Act itself says that it will come into force only after three months after it was passed. A similar provision, I think, is necessary as is the usual practice. I only point out this difficulty in the present measure; and with this observation. I also support the principle of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to the observations of Mr. P. K. Narayana Pillai, I think that section 4 is clear on the point, *viz.*, that nothing done under this Regulation shall affect the capacity of any person who, before this Regulation comes into force, has attained majority under the law applicable to him. Such cases will not be covered by this Regulation. Anyhow, the point suggested by Mr. P. K. Narayana Pillai may be considered at a later stage.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I say that, because we have a similar provision in the Indian Majority Act.

The question that the Travancore Majority Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that, this being a small measure, any amendment necessary might be made at the time the Bill is considered by this Council next time and that it be not referred to any Select Committee.

The motion was put and carried.

THE BANKERS' BOOKS EVIDENCE BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bankers' Books Evidence Bill be read in Council.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the object of the Bill is to afford facilities for bankers having very heavy transactions. Under the Travancore law, if the evidence of entries in the books of a bank is required, such books have to be produced and the judiciary are authorised to ask the banker to produce his books. This leads to very many difficulties and it is not possible for the court to receive any secondary evidence, because secondary evidence can be accepted only under certain circumstances. For various other reasons, it is obligatory upon the bankers even to produce the orignal books under certain conditions when the litigants want them for purposes of evidence.

This difficulty has been brought to the notice of the Government by some banks and it is a real grievance no doubt. What the present Bill proposes to do is, in the case of banks and in the case of individual

Mr. T. Lakshmana Pillai.]

or private firms notified by the Government, to enable such banks or firms to give attested or certified copies of the entries. But, of course, if it is impugned by either side and if the court thinks it necessary for the ends of justice to have the original books produced, then it may call for them. Ordinarily the book has to be produced now in court and left in the court itself. Very many persons do not like their books to be inspected by others and their being put to other unnecessary inconveniences also, because it interferes with their business.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know how many registered companies there are in the State and how many of them are of more than ten years' standing?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): About 42. There are very many indigenous banks. In the case of individual or private firms, it is only if the Government are satisfied about them that the notification will be issued. After all, the bankers have *nalvazhi* books. In some other cases, very heavy books are to be placed in courts with the result that they are kept in the court for some time and then taken from the court, and they have to be brought again to the court if required. All this will put the bankers to considerable inconvenierce.

PRESIDENT: Does it include *hundi* business also?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, *hundi* banks may also be recognised by the Government.

In such cases, you can rely upon the copies of the entry; but if the court wants the original for any purpose it may call for it. I think it is absolutely necessary in the interests of banks to give such reasonable help to these bankers: otherwise, they will be put to considerable inconvenience and difficulties.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): What is the inconvenience?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is to say, the books have to be taken to the courts, and left there for some time.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether it is not the practice for banks and witnesses to produce their account books, and whether, on production of a certified copy thereof, they are permitted to take back the account books at once?

PRESIDENT: Is it legal accoding to the Evidence Act?

MR. V. SUBBA AIYAR (*Aditional Head Sirkar Vakil*): It has to be produced there, and, if it is necessary, it has to be brought again. The fact is that, even though we produce it and leave a copy and then get it back, it means unnecessary delay and inconvenience.

MR. T. LAKSHMANA PILLAI (*Nominated*): Who is to certify to the eligibility of the bank to participate in the benefits of the Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartigapalli*): May I know how many representations have been made to Government and by whom?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the first place, by the Imperial Bank of India.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I second the motion.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Sir, I oppose the principle of the Bill. I do not think that there is any necessity or justification for the enactment of such a measure at present. So far as the Anchal and Post Office Savings Banks are concerned, their books can be treated as public documents and secondary evidence admitted. Those books apart, I can find no need for a measure of the kind now proposed. The learned mover of the Bill says that bankers feel considerable inconvenience and obstruction to business if the books are to be produced in court and detained there for any time. If such a ground is to weigh with us, we should, in fairness, extend the law to all sorts of account books. I fail to see why the books of a small banking company should have greater consideration at our hands than those of respectable firms doing other business. The law in some other countries no doubt permits secondary evidence being admitted in the case of bankers' books. But that is founded upon quite a different principle, *viz.*, that the public inconvenience caused by the removal of documents of that sort would justify the introduction of secondary evidence.

In Mortimer *vs.* M'callan, the leading English case on the subject Lord Abinger, C. B. states thus:—

"It has been established by a series of decisions, the first of them, I think, by Lord Mansfield, that the books of the Bank of England being of great concernment to the whole of the national creditors, the removal of them would be so inconvenient that copies of them might be received in evidence. It was founded upon the principle that the public inconvenience from the removal of documents of that sort would justify the introduction of secondary evidence. That principle has been adopted in a variety of cases and has never been questioned since. I know there have been attempts to apply it in cases where it was not applicable; the first was the case of Rex *vs.* Lord George Gordon (2 Doug. 590), where copies of the journals of the House of Commons were offered to be given in evidence, and supported on the ground of the above decision by Lord Mansfield as to the books of the Bank of England; but they were rejected by him on the trial on the ground that no such inconvenience would attend the removal of the journals of the House of Commons, as any wishing to remove them could get the sanction of the Speaker to do so......The next case that arose was with respect to the books of the Customs and Excise. It was formerly the practice to produce them, but after some consideration it was thought that the public inconvenience was so great, that it has become every day's practice in this and the other courts, to allow copies of those books to be received in evidence. That goes upon the general principle of not removing books of general concernment. Then, does not that principle apply in all such cases? The public inconvenience in this case is as great as in the case of any other books."

In the present state of the banking industry in this country, I cannot think that the production of bankers' books can in any way inconvenience the public. In any event there has not so far been any demand

[Mr. S. Krishna Aiyar.]

from the public for a measure of the kind now before the House. According to the latest report of the Joint Stock Companies Registrar, there are only 39 companies in the State now doing banking business. Several of these are concerns very lately started and their soundness is questioned by the Registrar himself.

The Bill proposes, in course of time, to extend the provisions of this Regulation to the books of any partnership or individual carrying on banking business in this State. Under the circumstances, I am afraid, the Bill, if passed, would occasion hardship to the general public.

Even in England, it was only after a good deal of hesitation that a concession of the kind was extended to the banks generally. The Bank of England enjoyed the concession on the ground that their books were of great concernment to the national creditors. It is only in the year 1879 that the concession was extented to the other banks by the Bankers' Books Evidence Act (42 Vict. C. 11). That act also takes care to provide necessary safeguards against perpetration of any fraud. Sections 4 and 5 of that Act make actual proof that the book, at the time of the making of the entry, was made in the usual and ordinary course of business, that the book is in the custody or control of the bank and also that the copy has been examined with the original entry and is correct, a condition precedent to the admissibility of secondary evidence. The Bill before us provides for a mere certification to that effect. I do not think that any need for such a measure has arisen and I therefore oppose the Bill.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartigapalli*): Sir, I also beg to oppose the Bill. The law, as it stands at present, allows a banker or any other businessman to produce a copy prepared by himself and after the copy is compared by an officer of the court, he is allowed to take the book back. When, however, questions arise as to the genuineness of the transaction, the original books have to be kept in court and have to be very carefully scrutinised. So that, even if the present Bill be passed into law, if these books are necessary, they have to be kept in court and therefore the special measure of protection sought to be given cannot be enforced by law. Hence, I cannot find, in the first instance, any reason or justification for giving a privilege to a special class of people.

Secondly, how banks are in a better position than other business concerns also passes comprehension. There are a number of banks in this State and this Bill is proposed to be extended to these banks also. Some of them are flourishing, under high-sounding names like the Vembanad Bank, Kaitapuzha Bank, Patiramanal Bank, etc. There are a number of other business-concerns which are doing a much larger volume of business than any of the banks, probably excepting any branch of the Imperial Bank in Travancore. We shall take as illustration business-concerns like those of Messrs. Darragh, Smail & Co., Pierce Leslie & Co., or Harrisons and Crosfield. If banks do business in money and money

alone, those other concerns do business not only in money but in commodities also. It cannot be said that these banks are in a better position or require more safeguards than other business concerns which also might find it extremely difficult or even more difficult to bring the books before the court or keep them there. My friend, Mr. Subba Aiyar, has not explained why banks should be treated on a better footing than other business concerns.

Then again, though the title deals with bankers' books and bankers' books only, we find in section 5 the following: —

> "No officer of a bank shall in any legal proceeding to which the bank is not a party be compellable to produce any banker's book, the contents of which can be proved under this Regulation or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court made for special cause."

Now, who are the officers proposed to be exempted? Does it mean everybody from the *golla* to the agent of the bank? Again, what are the special causes that would justify a court in departing from the general principle that is stated in this measure? Supposing for special causes the court passes an order, is it subject to appeal or revision? Supposing these banks have given copies and they are put in in evidence in a case when the matter is disputed, or even when it is not disputed, the transaction has to be independently proved. The copies will be evidence of only the existence of those entries in the bank's books. The transactions themselves have to be independently proved under the Evidence Act. So that, the officer will have to be summoned to swear to the transaction. The exemptions proposed in the bill are too wide.

When I saw the title of this measure, I thought that a corresponding liability or responsibility would be placed upon banks, whether private banks, individually owned banks, firms or companies. We have had plenty of instances lately when the public have deposited money in private banks and have lost considerably owing to voluntary or involuntary cases of collapse. Now, at the first blush, I thought the Government, or rather the mover, would introduce a rule to the effect that all private banks which take deposits from the general public would be bound to publish their balance sheets, lists of their holdings and lists of their deposits from time to time, if not monthly, at least quarterly. It is only when there are such safeguards that the public can be allowed to make deposits in these private concerns. In the absence, then, of any protection to the general public against these banks, we find a sort of privilege being sought to be conferred on them. It appears to me to be something like the Princes' Protection Bill, which neither princes nor publicists wanted.

Another objection is that, when applications are brought before the Government for the grant of privileges such as prescribed in the present Bill, the Government itself might feel very great difficulty. Here are moneyed interests coming and seeking valuable privileges from Government. Government agencies are human and they act upon the recommendations of subordinate officers. There may be rival banks in the same locality. It cannot be the policy of the Government to refuse

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wholesale all applications or accept wholesale all applications. It is only when the Government discriminates between the interests of rival banks that the danger comes. The reputation of the Government is likely to be shattered when one bank is accorded the privileges and another refused. Thus, from the standpoint of the Government also, this measure appears to be more than delicate. The credit of a bank whose application is refused is ruined and its business follows its credit.

Coming to one or two other provisions, we find that this measure is proposed to be extended only to banks that keep a cash-book, a day-book or journal and a ledger. No indigenous bank in the State keeps a cash-book and a day-book separately. The *Nalvazhi* is all in all to them, so that, if it is sought to be accorded only to banks keeping cash-books, it may become unworkable so far as indigenous banks are concerned.

Then, we find we are launched into other difficulties. For example, in the matter of costs, the court has been given power to decree costs against one who is no party to the proceeding. How is the party to be represented? Has not the party, *i. e.*, the bank, a right to be heard? How is he to be heard? And supposing an order for costs is made against or in favour of the bank, has a right of appeal or a right of revision been given? Who is to apply as against the bank for costs? These are further matters which do not seem to have been considered. What we find is that this Bill is meant to give considerable privileges to moneyed interests. Privileges to one class mean an encroachment on the rights of other classes. This House should always stand against such a thing. On these grounds, I beg to oppose the measure.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, the mover knows that there is no law of evidence in Travancore, and very often we hear, the Honorable Judges of the High Court reminding us, when we argue points of law, that after all the Evidence Act is not law in Travancore. There are no doubt observations of eminent Judges where they make pointed reference to the provisions of the Indian Evidence Act. All the same, they sometimes say that the Evidence Act has not been formally recognised to be binding on them, meaning that it has not received the impress of the legislature. When there is no such general law covering the whole subject of evidence, I am surprised to find this lean skeleton of a legislative measure usurping the right to claim our attention.

The Bankers' Books Evidence Act seems to be an alliterative expression. But the pleasure of the alliteration is entirely removed and a volume of pain only remains when it is realised that the object of this measure is to benefit a small class of people who are already making large profits at the expense of the people who are obliged to borrow from them. I do not object to the bankers charging interest. Unless interest is paid, the banks are not going to lend out any money. The attempt seems to be to override the ordinary rules of law in favour of the

banker, to exempt the officers of banks from appearing before courts of law. Sir, in certain legislative measures I have found royalty exempted from personal attendance in courts. To raise a banker to the eminence of royalty (*laughter*) so that he shall be above the necessity of appearing before a court of law, I submit is not a noble attempt. My friend knows that there have been so many banks which, after doing considerable business for a time, have collapsed, whether voluntarily or involuntarily I need not discuss. We have come across instances in which people come to Travancore, nobody knows from where, people armed with a few rings of imitation diamonds (*laughter*) and some silks, driving in a coach and pair for a month or two, and quietly receiving deposits from all; and in a few years, through reasons which are sometimes made public and sometimes absolutely forgotten, they go away, and no court of law, no peon or *amin* or police constable can track him anywhere in the world. Now, when the hard-earned money of the people of this country is being deposited with these banks, when the Government find that these have not been working properly, when the interests of the public have not been sufficiently safeguarded, I expect the Government will come forward and enact a measure which will prevent any fradulent action, any shifts and devices by bankers in order to defraud people of their rights and their money. If, Sir, along with this favoured child of the Bankers Books' Bill, my friend Mr. Subba Aiyar had also taken the trouble to have a general law regulating the conduct of banks, I should have welcomed it with certain reservations. I should have then been in a position to accept the principle of this Bill. But here is an attempt to heap rights, to heap favours, to heap privileges on people who are already in enjoyment of these while allowing power unfettered and leaving people in the lurch by permitting banks to go on as they like. But the Law Member says that he is prepared to lend his fact weight to the Bill. In spite of all the arguments he could marshal—I may say he can marshal them very efficiently—in support of his position that this new offspring of the Legislative Department should meet with a happy welcome from the members of this Council, I am sure, Sir, that my friends here will not be in a position to support the principle of this Bill. The Bill is conceived on wrong lines and it is a really dangerous and a purely mischievous measure so far as the people are concerned. I think that even the honesty of bankers will induce them to come forward and say that they are not prepared to accept this wrong principle at the expense of others. I oppose the principle of the Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have also very great pleasure not to support but to oppose the principle of the Bill. The present measure is fashioned upon the British Indian Bankers' Evidence Act, Act XVIII of 1891, which itself is adopted from English Statutes 42 and 43 Victoria, Chapter 11. The necessity for an enactment of the description in England may be granted when we take into consideration the banking activity that exists in the United Kingdom. Coming to India, as it is a piece of evidence, it was only probable and proper that, to supplement the provisions of the Indian Evidence

[Mr. P. K. Narayana Pillai.]

Act, a step like that measure was deemed necessary in British India also. But, in Travancore, when we have no substantive enactment relating to the law of evidence, to say that a particular region of evidence should be particularly legislated upon, seems to be not quite reasonable.

I would also beg to point out the nature of the banking concerns that we have got here. We have got the registered Joint Stock Companies carrying on banking business; we have got partnership concerns carrying on banking business; and there are also individuals carrying on the same business. All the three varieties are attempted to be protected by the measure now proposed by the learned mover of the Bill. And the protection that these people are going to have is by means of an executive order. The Government make exception in favour of such and such a bank which is carrying on banking business, when they are approached. Then they are protected to that extent and only certified copies of the mysterious account books that these people give would be available to the litigant public. Even after considerable trouble and difficulties when the original account books are produced in court it is an extremely uphill sort of work for the pleaders and litigants to find out and discover the nefarious methods adopted by the banking agents. When such is the case, the ring-fence of protection round this sort of usurious people is, as Mr. Velu Pillai puts it, a dangerous game of law-making. Suppose a department of Government is approached by a banker who has neither a *Nalvazhi* or journal to expose his cards and hand and he gets a further protection that his original books need not be produced in the court, then various miracles may be worked. Even as it exists, we have seen that, so far as Government are concerned, when sanctions for the institution of suits have been issued by the Government and subsequently litigation has been undertaken under cover of such sanction, it has been discovered that fraud was practised upon Government and that the Government would therefore willingly withdraw the sanction. Such are the instances which we occasionally see in courts of law. Under such circumstances, the Government may be approached by any banker with the result that his banking accounts may be conveniently secreted, and in place of that the so-called certified copies may be issued and the honest litigants may be pummelled in courts of law. That is one danger. Under the authority of the Government, it is possible for people to shut out evidence. That, I submit, is not a desirable state of affairs.

As far as I can see, only two attempts have been made by the learned mover of the Bill to depart from the British India Act. One is section 7, for which there is no corresponding section in the British Indian Act.

Notwithstanding anything contained in this Regulation, the court may order the production of any banker's books when it thinks that an inspection or perusal thereof is necessary for the ends of justice.

Now this one section is sufficient, even if the Bill proceeds upon a glorious principle, to circumvent all provisions contained in this Bill. For, at each turn, a litigant or an experienced pleader may convince the court that its production is necessary for promoting the ends of justice. So all the protection given in the other provisions of the Bill may be easily evaporated by section 7 of this Bill.

Then the only other change that has been adopted in this Bill is with respect to clause 8, sub-clause (3). It runs as follows:—

Any order under this section awarding costs may be executed as if the order were a decree for money passed by itself.

That is a change, and the change, I am sorry to note, is not a happy one. For section 8 lays down the principle that a court can decree the cost and the order for the cost can be executed by the same court itself as passed the order.

A 'court' is defined thus:—

The 'court' means the person or persons before whom a legal proceeding is held or taken.

The term 'legal proceeding' means any proceeding or enquiry in which evidence is or may be given, and includes an arbitration.

So, a court, according to the definition contained in this measure, amounts to an arbitration court. The question arises therefore whether, under clause (3) of section 8, an arbitrator himself may be able to execute a decree passed by him for costs. It is impossible because an arbitrator has no power to execute any order that he may pass with respect to the cost to be awarded by one party to the other. Hence, in the British Indian enactment, in view of the extended application given to the expression 'court', the legislature provides that the courts in awarding costs must designate the civil court by which the decree as to costs has to be executed. That is an inevitable provision the meaning of which has not been taken into consideration by the mover of the Bill. He has simplified the thing to the considerable detriment of the other provisions of the enactment. The two changes that have been contemplated in the new measure are extremely unhappy and the principle underlying the whole Bill itself is unwelcome in the state of affairs as they exist at present. With these observations, I oppose the measure.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, I rise to support the general principle of the Bill. Even after listening to Messrs. S Krishna Aiyar, T. K. Velu Pillai and P. K. Narayana Pillai, I am not convinced that there are dangers lurking in the Bill and that the Council should not therefore agree to the motion just before the House. No doubt, it is on public grounds that bankers are now to be sought to be exempted from the liability of producing their books. In the first instance, it is in the public interests that litigants are allowed the privilege of having certified extracts from these books for substantiating their contention. What is the danger that is likely to result even to the public generally or to individual litigants by that privilege being allowed to certain statutory bodies ?

[Mr G. Paramesvaran Pillai.]

My friends were growing warm and eloquent over certain recent financial failures of banking institutions. Financial failures of banking concerns are not peculiar to Travancore. We find them all the world over. Perhaps, as we are now entering largely into the region of the development of trade and industry, financial failures do come in very much more frequently than in earlier days when there was little scope for the development of the country itself.

I perfectly appreciate the plea put forward by some of my friends that the legislature ought to make provision against the fraudulent bankers who are easily misleading the credulous public and swindling all their money. Only, that has no logical relation to the motion before the House. Whether in the public interest or in the interests of these bankers—even if it is to be changed on that basis—a change is required in the method of proof, so that the bank might be allowed to continue its business without serious dislocation.

My friend Mr. Krishna Aiyar raised the question why that concession should be made in favour of bankers alone and not in favour of other trading concerns. I say that the very same reason which actuated the British legislature and the Indian legislature to enact a measure like the Bankers' Books Evidence Act, and the reasons which induced those legislatures must certainly apply to local conditions as well. It is in the interests of trade and industry that a certain amount of protection ough to tbe given to the bankers. It is on the existence of banks that trade and industry do continue to exist and develop. Probably, Sir, that was the reason which induced the British legislature and the Government of India legislature to enact a provision of that nature.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I ask how many banks existed in British India when a similar provision was enacted there?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Well, the banks that existed then were the Presidency Banks, the National Bank, the Chartered Bank and other banks. These are some of the banks which come to my memory. I do not want my friends to understand me that, merely because an individual puts up a board "bank", he is doing banking business, and the Government should grant them any privilege. For instance, take the case of the National Bank, or the Imperial Bank, take the case of Co-operative Banks run in the State, take the proposed State-aided Bank, which we all want; with reference to these institutions, I am just submitting that, except when the positive interest of the administration of justice demands it, they should not be compelled to produce their books.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask Mr. Krishna Aiyangar whether he is aware that Co-operative Banks are ignored altogether in this Bill?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*, (*Deputy President*) : If it is ignored, it is a ground for suggesting its inclusion; it is not a ground for excluding other banks. I concede, Sir, that municipalities are given the privilege of giving certified copies.

PRESIDENT: I am not sure that Co-operative Banks are definitely excluded.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Only companies registered under the regulation. "Companies" have been defined.

PRESIDENT: That is a matter of detail.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : I think it is quite desirable that Co-operative Banks and institutions like the Imperial Bank and the National Bank, on the existence of which the trade and development of the country do depend, should be given a facility for issuing certified copies under their seal and signature as primary evidence in the first instance to be produced in a court of law. But, as my friend Mr. Narayana Pillai pointed out, the privilege, the much-talked of privilege, that is now sought to be conferred on these favoured institutions could be easily proved to be an absolutely worthless crumb by some skilful lawyer or client saying: "I want the original books."

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Krishna Aiyangar if he is in favour of a law to regulate and control the working of banks.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am; and my views I set forth in the first Co-operative Conference held at Alleppey. I said then, and do feel now, that, in the interests of the public, some sort of control ought to be exercised by the Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know if he would wait till that question is also taken up.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): This has nothing to do with the much larger question of controlling the banking institutions in the State. It rests with the Government to say: "We give our concession to this particular bank". It rests with the Government to say: "We do not allow the concession to any private firm". So far as the Joint Stock Companies and Co-operative Banks are concerned, they have to render accounts to the Government and the Registrar of Joint Stock Companies and the Registrar of Co-operative Societies. They have to be inspected by a Chartered Accountant. What is the harm or difficulty in taking a certified copy of an extract from their books to be produced in the first instance? From the warmth with which the Bill was opposed by some of my friends, it looked as if serious interests here likely to be prejudiced by the Bill being allowed to be read in Council. No doubt, some difficulties were pointed out by Mr. Narayana Pillai. Well, all these must receive the detailed examination of the Select Committee. Municipalities are now given the

[Rao Bahadur K. A. Krishna Aiyangar.]

statutory privilege of issuing certified copies of their books and the courts are required to accept them as primary evidence. I ask why we should not accept that principle.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I wish to know whether all these banks or registered companies are audited in the same manner as the municipalities.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The law demands that they should be aduited by Chartered Accountants or accountants who have been certified by the Government of Travancore to be reliable to audit accounts.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is a Chartered Accountant necessary and deemed obligatory to examine the accounts of an individual?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I did not use the word "Chartered Accountant" in the technical and narrow sense in which it is understood. So far as the Imperial Bank is concerned, their accounts are audited by Chartered Accountants. So far as the municipalities are concerned, they are audited by the Audit Department. I take it that the Co-operative Banks are audited by some certified accountants or some officer of the Co-operative Department itself. But I submit that it is a difficulty which will crop up in every instance. The bankers' book is a much more important book than a book which merely shows copra purchases so much, coir purchases so much, copra shipped so much. A book of that nature of an ordinary business man is not quite so serious as the ledger of a banker which shows exactly the financial position of different individuals in the State. Apparently they meet the requirements with greater promptitude than ordinary businessmen. After all, Sir, if even their interests ought to be subordinated to the larger interests of the public, if as a matter of fact there are dangers lurking in the proposed legislation—to my mind it seems to be an innocent provision—I am certainly at one with my friends in thinking that it ought not to be extended to every institution merely because it goes under the name of a bank. I trust to the Government exercising sufficient watchfulness in examining the financial condition, the general reliability and the antecedents of a banking institution before it satisfies Government. After all, as my friend Mr. Narayana Pillai put it, the privilege has been rendered absolutely valueless by that provision which enables a judge to send for the books and keep them there not merely during the course of the trial, but the books are kept there until the appeal is disposed of by the appellate authority. That means for several years the books have to be kept there. After the end of the year, "ദാഖലായിടത്തോളം കണ്ടുകിട്ടിയിട്ടില്ല", is the endorsement given to the banker. Such a fate ought not to overtake the banker because his book does not interest him alone, but involves the interests of the larger *clientele*. In this view of the case, I am for the Bill being read in Council, leaving it for the Select

Committee to remove all objectionable portions and bring in other institutions which will be really benefited by this concession being granted to them.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, I am sorry that I cannot support the Bill as it is. It has been suggested that, because there is such a Bill in British India and because there is some application made from certain banks working in Travancore, the necessity has arisen. To my mind, the Evidence Act should have been the first piece of legislation brought forward before this Council and this Bill should have followed it. If we are so fond of imitating the British Indian procedure in law-making I think we should follow it entirely. (*Hear, hear.*) It was the Evidence Act that was first passed in British India and the Bankers' Books Evidence Act followed it much later. If my friend the Law Member had followed that procedure, it would have been more in the fitness of things. This is something like putting the cart before the horse.

Another thing ,which seems to be objectionable in the Bill as it is is that section 3 of the Bill gives power to extend the provisions of this Regulation to any manner of banks which the Government chooses, including individual banks or partnership banks. My submission is that the method of delegating or reserving powers to Government has become almost sickening to the members of this Council. In every Bill that we come across in this Council, the most important portion—that is the practical portion of the bill—is generally reserved to the Government. Our experience is that these reservations to the executive by way of notifications and rules are always followed with hardship to the ordinary public because they are very often issued without consulting their convenience. Under these circumstances, I am entirely at one with the previous speakers who opposed that portion of the Bill. If my friend Mr. Subba Aiyar had confined his attention to the banks which are registered under the Companies Act or which are under the law bound to send the balance sheet and other accounts which are open also to the public, I would not have much objection to accept the Bill in that modified form. My submission is that the learned mover has gone too far. Under these circumstances, I cannot support him.

MR. A. HOOGEWERF (*Nominated*): Sir, I must confess that I have not read the Bill closely. (*Laughter.*) I shall speak on the general principles. I listened to the speeches of my learned friends on this side and I also heard what Mr. Krishna Aiyangar had to say on the matter. I wanted to join hands with my friends there; but after hearing what the Deputy President had to say, I stand converted. Those banks which are sound are alone to be protected. Taking away ledgers and important books from them and keeping them for months and years in a court of law will cripple the banks a great deal. That is an important point which struck me as a sound reason for an argument in favour of the Bill. It may have many defects; but on principle I think it is very sound. I say *on principle*. Various defects about details have been pointed out. I am sure the Select Committee will look into all these defects when

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the Bill is sent to it. With these few words, I support the principle of the Bill.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I too oppose the principle of this Bill. Now this Bill is introduced to remove the inconvenience caused or being caused to certain banks. The inconvenience is not peculiar to the bankers; it is common to all people. Nobody considers it a pleasure to go to the court and give evidence. But, in respect of certain firms and banks and other companies, even now there is a rule that, if account books are produced before the courts, they can be taken back if a certified copy is given. This Bill says that account books need not be produced in courts, certified copies need alone be produced in courts, and even if they are produced their truth need not be sifted by the examination of officers of banks or companies. Only in special cases can the officers of banks be examined. So that the truth cannot be sifted in courts. The Bill is based on the assumption that the account books are correct and infallible. If the litigant is given the right to summon the officers of the banks to get at the truth of these account books or if the litigant is not given the right of calling for the production of these documents, I think that truth cannot be found out by courts. Section 7 says:

"Notwithstanding anything contained in this Regulation, the court may order the production of any banker's books when it thinks that an inspection or perusal thereof is necessary in the ends of justice."

This right of calling for the original is not left to the litigant but to the court. The litigant may think that the book is incorrect. If he thinks so, he cannot insist upon the production of these books. On these grounds, I oppose the Bill.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I also rise to oppose the Bill. It appears to me that there has been a misconception with respect to the banking institutions to which this Act would apply. There are two classes to which this Bill seems to apply. One is registered companies, and the other those individuals or firms to whom this Regulation may apply. In regard to the registered companies, absolutely no discretion is given to the Government as to whether one should be given the privilege and another should not be given. The law gives it that protection which nobody can deny it after the law has been passed. But the Government has discretion only with those individuals whose business is not registered under the Companies Act. Therefore, once the law is passed, so far as registered companies are concerned, whether they are in a respectable condition or not, the privileges accorded by this legislation would apply to all these banks. No doubt, it is possible to conceive that there may be some registered companies of very great standing, prestige and usefulness which may be allowed the convenience of not producing their books in court. But that alone should not influence us in coming to a determination on the point. Mr. Krishna Aiyangar asked us what detriment there is to the public. The question, in a matter like this, is not what detriment the

public would suffer; the paramount question is what is the advantage or benefit that would accrue to the public by the passing of a Regulation like this. It is not in the interest of the public; it is only in the interests of a few individual banking concerns. I think that is conceded.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Who conceded that?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I said the public.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): So far as Mr. Krishna Aiyangar's argument goes, there is no injury to the public interest. My question is whether public interests have been taken into consideration by giving this privilege to a few banks and companies. As was pointed out by Mr. N. Padmanabha Pillai, the prime matter is the public benefit and the convenience of the little companies or a few particular individuals should not weigh with us. Therefore it is no argument at all to say that there is no public injury or detriment.

So far as registered companies are concerned, my objection is that there are companies and banks which might deserve the privilege; but there are a larger number of companies which do not deserve any privilege at all.

With reference to the other point, there is no definition of banker in this Regulation. The definition is only this:

"Bank and Banker mean (*a*) any company carrying on the business of bankers ;(*b*) any partitionship or individual to whose books the provisions of this Regulation shall have been extended as hereinafter provided."

So that, a bank or banker to whose books the provisions of the Bill shall have been extended becomes a banker under the Regulation. Thus the Government gives the name of a bank to a firm doing money lending business. Once it recognises its right to produce certified copies in court, it becomes a bank under the Bill. Absolutely no discretion rests upon the Government as to determining whether a particular business is a bank or a man a banker or not. Once the Government dubs the name of bank to a business firm or a person as banker the Regulation *ipso facto* applies to him and his business. Now, in regard to this important provision, in the first place, the Regulation gives no guidance as to how the Government should determine what kind of business should be considered as a bank and why and how far such a privilege should be confered upon the firm or the person concerned. No such guidance is given by any definition or power to frame rules under the Regulation.

Secondly, it appears to me that, in regard to these private firms and individuals doing money-lending business, Government have absolutely no measure whereby to control such business. So far as the companies are concerned, we have got the Registrar of Joint Stock Companies, and under the Joint Stock Companies Act, Government have got a certain measure of control over the management of those companies or firms. But, in regard to the other firms, Government have no control and there is no machinery by which Government can determine the solvency

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or otherwise of the firms. Under these circumstances, it appears to me that it is too wide a power to be vested in the Government to extend the provision to any individual doing money-lending business. The first thing, therefore, as has been suggested, is to get control over these money-lending concerns by a proper legislation brought forward to that effect in this Council; and when that is done, it will be time enough to consider what privileges should be accorded to these so-called bankers or banking businesses.

Then, I come to the production of certified copies. There is no provision in the Bill which compels or makes it obligatory upon these persons to grant certified copies to persons who ask for them. Then, in regard to those copies themselves, what are those copies? Section 4 of the Bill runs as follows:

"No officer of a bank shall in any legal proceeding to which the bank is not a party be compellable to produce any banker's book, the contents of which can be proved under this Regulation or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the court made for special cause."

Thus, these copies are admitted as evidence under the above section. Such certified copies, according to the definition of the term, may be attested by the accountant or the manager of the firm. What is the status of that man? It may be an accountant who is appointed one day and dismissed the next day. The manager may come and say, "This was granted by a man who has left my service and it is false and incorrect". And all manner of disputes will arise in regard to the correctness of the copy. It will be something like a receipt granted by the *Karyasthan* of a *Jenmi* in regard to *michavaram* and other dues. And there will be various difficulties in regard to all these matters, and the interests of the public are not at any rate to be served by this Bill. The privilege is going to be conferred upon a class of people, because a few of them are respectable and would like to have the privilege. It appears to me that this is quite an unnecessary piece of legistation and I oppose it with all my might.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, I rise to oppose this Bill not because I do not approve of the principle underlying it, but because, in my opinion, the need for such a legislation has not arisen in our country. The principle, as explained by my friend Mr. Krishna Aiyangar, is that industry and trade depend on banking interests. In England and other countries, the volume of trade and industry was so great and the number of people taking part in them was so large that, when on account of litigation the account books had to be kept for a long time in court, the public as a whole felt that industry and trade were suffering. Certainly, under those circumstances it was necessary that the legislature should have stepped in and introduced some measure whereby such interests could be protected. But the question is whether in our country such a need has arisen. Certainly, the principle that is contained in the Bankers' Evidence Act in England is sound and it has been adopted in British India. We do not say anything against the

principle itself. But the conditions and circumstances which existed in England at the time when the Act was introduced there do not exist in our country at present. That is the standpoint from which we oppose the Bill. Merely because the principle is good, are we to have a legislation before the circumstances have arisen for introducing a measure of the kind? That is the point. Possibly, when trade and industry enlarge to such an extent that the country may be said to be an industrial country depending upon banking interests, then it will be time for us to consider whether some such measure would not be necessary for protecting, not the banking interests, but the interests of the public as a whole. As I said, such a contigency has not arisen for us to pass a Bill of this kind. This would be putting the cart before the horse, *i. e.*, trying to satisfy a need before it has actually arisen.

When my friend Mr. Subba Aiyar was moving the Bill, he was asked how many applications had been made to the Government by the banking interests saying that their business was dislocated on account of their books being kept in courts of law. The only instance that he was able to give was that of the Imperial Bank of Inda. I doubt whether one single representation by a single banking body is sufficient for us to introduce a measure of this kind. The most fundamental question is whether the inconveniences suffered by that banking body were such as to inconvenience the public. There are two aspects to the question. They are the inconvenience suffered by a particular banker and the inconvenience suffered by the people at large. Here the Bill is introduced, I think, solely to promote the convenience of the bankers without at the same time trying to safeguard the interests of the public. So, although we cannot but approve the principle underlying the Bill, we cannot but oppose it because the circumstances existing in our country do not call for such a legislation at present. We are not going to legislate for certain contingencies which might arise a hundred years hence. Then it may be time for us to think of such legislation. So I oppose the introduction of the Bill.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I oppose the introduction of the Bill in its present form and at this stage. As rightly observed by Mr. Paramesvaran Pillai, as soon as the Bill is passed into law, all the Joint Stock Companies registered under the Companies Regulation will automatically secure the privilege conferred by this Bill. I am not aware of any provision in the Companies Regulation in Travancore authorising Government or empowering Government to inspect their accounts. In the case of Co-operative Banks, the Anchal Office and the municipal bodies referred to by my friend Mr. Krishna Aiyangar, their accounts are liable to be audited periodically by the officers of Government appointed for the purpose. There is thus considerable safety ensured in regard to the accounts of such institutions. But to apply this principle to all the companies at the present stage appears to me to be undesirable.

[Mr. Joseph Panjikaran.]

I would also urge it as a general principle that it would be desirable for the Government in such matters not to undertake the responsibility of attempting at legislation in favour of particular interests that are adequately represented in this very Council. I should point out that there are two members by whom the banking interests are adequately represented in this Council and no representation has been made by them in regard to this matter. The very fact that they are absent now when the Bill is introduced shows that after all they do not care for such a measure. It will therefore be desirable that the Law Member leaves such matters affecting particular interests which are specially represented in this Council to be undertaken by themselves and not by the Government who should take the initiative regarding subjects of general public intrest. I would therefore oppose this measure on principle.

PRESIDENT: We have no representation of banking interests separately.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There are two members to represent mercantile and banking interests.

PRESIDENT: Commerce and Industries.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): We find that companies are also represented by them, because the companies have been given the power to elect them The companies too form the members of the constituency.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): I also oppose the principle of the Bill. I am afraid that, if this Bill is passed into law, it will give facilities to private bankers to evade income-tax officers. That will give them facilities to keep duplicate account books. There are unscrupulous private bankers in the country as we very well know ; and the introduction of this measure will prove disadvantageous to the Government on that point.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I owe an apology to the House in that I did not make a long speech, because, after all, I thought it was a very simple matter and would not meet with any opposition on the other side. I would now explain and try to meet some of the objections which seem to have been based upon some misconception—I may be pardoned if I say so—in understanding some of the sections.

In the first place, it is said that it is only in the interests of the bankers that this Bill has been introduced. It is as much in the interests of the public as it is in the interests of the bankers.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you any instance of the public having suffered for want of a measure of this kind?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to it. It is in the interests of the public. We know, as a matter of fact, that in the case of these banks, there are considerable withdrawals and considerable deposits day after day and the account books have to be written up day after day. In a case of that kind, if the account books are asked to be produced in the Munsiffs' Courts or the District Courts and detained there for days together, the difficulty which the banker will experience can be very easily imagined. In such cases, how is it possible to expect that the books will be written up day after day, which is the only satisfactory evidence for a court to accept? Where is the guarantee that the account is written up day after day in order that the court may accept it? If that guarantee is taken away, I do not know, in the case of large deposits and withdrawals, what the banker's books will be worth.

MR. S. KRISHNA AIYAR *Mavelikara* cum *Kartigapalli*): Does he say the bankers do not write up accounts every day?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It could not be done.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): What do they do now?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Of course, they will have to write up the book as soon as it is returned.

Secondly, the most important portion of it is this: If any litigant wants to know whether there is any entry in a particular bank book, there is absolutely no way for him to know whether that book contains the entry. He has absolutely no access to the book unless he calls for it. It may be for him or against him. Mr. Paramesvaran Pillai says that there is no obligation on the part of the bank in respect of this. I say there is section 6 which specifically says that the litigant may be allowed to apply to the court to permit him to inspect and take copies of any entries in a banker's book, or the court may order the production of certified copies, saying that the book does not contain any other entry relating to the matter in issue. In other words, every litigant has the right to demand a copy of the entries in the book relating to the matter in issue and it be may that, after getting the copy of the entry which may be for him or against him, he may not take the trouble of asking the bank to produce the book itself. That is a very valuable privilege conferred by the Bill.

The next argument that was advanced is that we must have first the Evidence Act and then this Regulation. I am sorry to join issue with my friends on this question. Although the Evidence Act is not law in this country, although in some cases it may be that our High Court may be prepared to differ from the British Indian law on the subject, I will ask my friends on the other side, most of whom are lawyers, to state a single instance in which what is called secondary evidence in British India has been accepted as primary evidence in Travancore. In other words, so far as secondary evidence is concerned, the

[Mr. V. Subba Aiyar]

British Indian Law is followed very closely here. We do not transgress an inch. If that be the case, and if under no system of law this can be stated as primary evidence, it is absolutely necessary that their interests should be protected.

In the first instance, all companies registered under the Companies Regulation are to be included. Of course, it was interpellated by Mr. G. Paramesvaran Pillai whether the Co-operative Bank has been included. If that has been registered under the Co-operative Societies Regulation, certainly that also will have to be included.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : In view of the fact that the British Indian Act does not cover cases of co-operative societies, is it necessary that we should have a provision including them also ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : When the Act was passed in British India, there were no co-operative societies at all. It was passed in 1891. Therefore we can very easily understand why the co-operative societies were not covered by the British Indian Act.

PRESIDENT: In the Co-operative Act of British India, provision is made for arbitration. Therefore the account books seldom go to courts.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): At the time when the present Bill was drafted, had not Mr. Subba Aiyar in view the fact that there are co-operative societies in Travancore?

PRESIDENT: He says that it is an omission.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : This did not suggest itself to me at the time when the Bill was drafted by me. It is certainly an omission. I do not claim that the Bill is perfect.

So far as the companies are concerned, there is the statutory provision for auditing the accounts of the companies by a certified auditor, and the certificate of the auditor has to be appended along with the report. Therefore we see that, so far as the companies are concerned the necessary safeguards have been provided to see that the companies are keeping proper accounts and they have also to produce their balance sheet. Even as regards the private firms, Government may extend the provision in some cases where they think it necessary and may ask the firms to publish the balance sheet. Only such firms as are exempted by the Government are entitled to the privilege mentioned in the section. I do not think it is a very difficult matter to be overcome.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartigapalli*): Will it not be enough if the exemption is granted to the Imperial Bank alone?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know whether we should restrict it like that. If we can exempt

the Imperial Bank, we will have to extend the exemption to the Nedungadi Bank and then to the State-aided Bank that we propose to create. Every time a new and respectable bank is created, it may demand the privilege of exemption and we will have to add to the list of banks exempted, and something like a schedule will have to be published as in the case of those animals and birds which are exempted under a particular Regulation. It will rather be awkward to publish a list of banks that have been exempted. That is why I say that in the case of these banks there may not be any difficulty. We may impose the necessary safeguards in the interests of the public when the Bill is being considered by the Select Committee.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Will the Law Member be able to say in how many cases the Imperial Bank had to file their accounts in the courts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe there are many cases.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the Imperial Bank benefited by this provision?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It will be; because, under section 278 of the Travancore Companies Regulation, the Imperial Bank also will come in.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Subba Aiyar whether he is aware of any case where the books of the Imperial Bank have been detained unconscionably.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I did not get the necessary statistics on the point.

Another point mentioned by Mr. Paramesvaran Pillai is that the term "Bank" has not been properly defined in the Bill. I may tell him that the definition should be read with section 3 which distinctly says:

"The Government may, from time to time, by Notification in the *Government Gazette*, extend the provisions of this Regulation to the books of any partnership or individual carrying on the business of bankers within Travancore, and keeping a set of not less than three account books, namely the cash book, a day book or journal, and a ledger and may in like manner rescind any such Notification."

So that they should be banks in the first instance, and they should keep a certain number of books prescribed. If so and if Government are otherwise satisfied, then they may be extended to particular individuals or partnerships. I believe that is sufficient safeguard.

Mr. Krishna Aiyar suggested that copies of the entry might be produced. I think that will not remedy the evil. The Bank or some agent of the Bank will have to give evidence. I believe section 4 is clear on the point. It says:

"Subject to the provisions of this Regulation, a certified copy of any entry in a Banker's book shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as the original entry itself is now by law admissible, but not further or otherwise."

[Mr. V. Subba Aiyar.]

I think it is to some extent, as I would read it, evidence to the existence of the transaction.

Another objection—I think Mr. Padmanabha Pillai referred to it—is that we have not inserted the necessary safeguards which we find in the British Indian Act.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I referred to the English law on the subject.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think the definition of 'certified copy' provides all the safeguards necessary. It is said:

"Certified copy means a copy of any entry in the books of a Bank together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the Bank and was made in the usual and ordinary course of business and that such book is still in the custody of the Bank, such certificate being dated and subscribed by the Principal Accountant or Manager of the Bank with his name and official title."

I think this contains all the safeguards mentioned by Mr. Padmanabha Pillai, and therefore, it is unnecessary to put in—

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I point out, by way of explanation, that what the English Act provides is that actual proof is a condition precedent to the production of secondary evidence? Here we provide only for a certification.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartigapalli*): Will Mr. Subba Aiyar tell us, whether, as the law is at present, the account books are only corroborative evidence and not primary evidence and that therefore the transaction has to be proved separately?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Any servant or agent of the bank can prove the existence of a particular transaction only by means of entry in the bank book. I believe I am sufficiently clear on the point.

With reference to clause 5, it is stated that it exempts all officers of the bank and my friend Mr. T. K. Velu Pillai humorously pointed out that royalty alone is exempted. I do not think that it is a correct reading of the section. The section distinctly says that, whenever the court thinks that the evidence of the officers of the bank is necessary, they may be summoned and examined as witnesses.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I be permitted to say that I understood the section in the very same sense and yet I argued in a different way? (*Laughter.*)

MR. V SUBBA AIYAR (*Additional Head Sirkar Vakil*): Ordinarily, the officer should not be compelled to produce the bankers' books. The section clearly says:

"No officer of a Bank shall in any legal proceeding to which the Bank is not a party be compellable to produce any Bankers' Book the contents of which can be proved under this section or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court made for special cause".

Therefore, if it is represented to the court or if the court finds that it is absolutely necessary to summon a particular officer, I beg to say that the court has got the power to summon him and examine him as a witness. Therefore it does not in the least remove the discretion of the court if it thinks that, in the ends of justice, the party concerned should be summoned.

Then it is stated that section 7 is put in, that it is not in the British Indian Act and that it nullifies the effect of the Bill itself. To my mind, that section strongly argues in favour of the Bill. We do not find any such provision in the British Indian Act. It is entirely my own. The reason for that is that, when I looked up the authorities, it was ruled in Bombay, I believe, that it is open to the court to exercise its discretion and call for the originals. I thought it necessary to incorporate the same in the Bill instead of leaving it to the rulings of courts. I thought it would be better in the interests of justice to mention clearly and definitely that the production of the originals might be ordered by the court when it thought it necessary and that in such cases, it would not hesitate to do so.

I may say that, in the case of a banker who has large dealings in money, it is certainly not desirable to place his account books in the court where the credit and the debit entries may be looked into by many and thereby his interest might be considerably affected. I am sure no *hundi* firm will allow the whole of its account books to be examined by the court. Only the portions relating to the point in issue should be referred to.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Subba Aiyar if he places his accounts in the Bank on a higher footing than his own private accounts.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. Unless it is absoulutely necessary in the interests of public justice —

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartigapalli*): I wish to know whether, when books are produced in Court, anybody is entitled to look into them.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Whatever may be said to the contrary, I say it may be looked into by ever so many persons. We need not stand upon high technicalities. I know as a matter of fact, in a particular case which was argued by me in the High Court, my party objected to the whole of the book being looked into and was willing to show the particular portion relating to the case. But the opposite side—I believe Mr. Krishna Aiyar appeared for that side —wanted to look into the whole of the book. The High Court said that it would not be safe in the interests of the Bank to allow others to look into the whole of their books, because the public might thereby draw inferences as to the solvency or otherwise of the company.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Is it not considered to be an illegal act to look into account books that have been produced in courts?

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It may be; but ever so many illegal acts are done. It may be that clerks happen to look into these books.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Are these people still in the service of the Government?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is not always the Government servant that does it. The vakil may look into it. He may have confidence in a clerk who is very intelligent. He may give the information to others. The mischief is very easily done.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether the same objection will not hold good in cases where the production is called for at a later stage.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In such cases it will be absolutely essential in the interests of justice. But such cases will be exceptions. Simply because in exceptional cases a man may be inconvenienced, that does not argue that in all cases he must be inconvenienced.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether, if this Bill be not passed, banking business will come to a standstill.

PRESIDENT: That is a hypothetical question. It cannot be allowed.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is not banking business thriving in Travancore in spite of these disadvantages?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It will be seriously inconveniencing the bankers. That is all that I can say. The Imperial Bank, for instance, has a large number of deposits and withdrawals every day, and if for some reason or other their books are taken to the courts, I think they will have time only for the production of such evidence and for nothing else.

MR. JOSEPH PANJIKARAN (*Shertallai*): Will Mr. Subba Aiyar give us a single instance where dislocation of business has been caused in the past on account of the absence of this provision?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is not dislocation. The inconvenience has been represented and there is a cry for legislation. I never said that the whole thing would come to a dead stop for want of this provision.

MR. JOSEPH PANJIKARAN (*Shertallai*): Was any representation made to Government by any trader that he was not able to deal with the bank on account of the books being taken to the courts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As it is, it is not open to a trader to make that objection.

MR. JOSEPH PANJIKARAN (*Shertallai*): I am afraid my question has not been understood. I asked whether any representation was made to Government by any trader or merchant that on account of the bank books being kept in the court he was not able to do any business with the bank.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think there has been any such representation.

MR. JOSEPH PANJIKARAN (*Shertallai*): Has there been any representation from any industrial corporations?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No.

MR. JOSEPH PANJIKARAN (*Shertallai*): Then what is meant by saying that in the interest the of public this provision has been put in? The Law Member has said that the whole thing has been done in the interests of the public.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am sorry I did not make the point plainer. On account of the production of the account books in courts, it is not possible to have regular entries made in the ledger. The inconvenience caused on account of this is very great.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartigapalli*): Will Mr. Subba Aiyar say whether the inconvenience is not confined to cases of the removal of the current books, and will he give any instance where the current books alone have been produced in courts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may say that in most cases it is the current books that are taken to the courts. Suits are filed now-a-days very promptly; and so current books have often to be taken to the courts.

I believe I have sufficiently explained the Bill. The Bill exempts only banks registered under the Companies Act and allows them to produce certified copies of the accounts. It enables the public to get the certified copies and we are not prevented from adding any other safeguard as suggested by some of the members here when the Bill is being considered by the Select Committee. I do not think any serious inconvenience will be caused to the public nor is it such a serious interference with the rights of the public.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Subba Aiyar if there is any disadvantage in the Bill waiting till the larger question of controlling and regulating banks is taken up for legislation.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as the companies are concerned, they are even now regulated and controlled by the Government. If necessary, that section as to individuals, firms or partnerships might be deleted or the necessary safeguards might be added to the provision. The Bill is liable to be revised in any manner you like by the Select Committee. I do not think we are precluded from doing that.

[President.]

MR. A. GOVINDA MENON (*Alangad cum Parur*): Is the Law Member aware that under the Companies Regulation Government officers have absolutely no power of examining the accounts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If that be so, what are the auditors meant for?

MR. A. GOVINDA MENON (*Alangad cum Parur*): Auditors are not Government officers. Under the Companies Act, the Registrar of Joint Stock Companies or the Audit Officer has no power to inspect the accounts themselves.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as the higher officers are concerned, they need not inspect the accounts of the companies, and even if they inspect they may not be able to understand anything. These books of the companies are checked and audited by auditors who have been certified by the Government. I believe these certificates will be far safer in the interests of the public than any inspection by the Registrar himself.

MR. A. GOVINDA MENON (*Alangad cum Parur*): Is the Law Member aware of any case in which the Government refused to help a Bank which had a good auditor's certificate, unless the Bank allowed a Government officer to examine its accounts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not aware of any such thing.

MR. S. KRISHNA AIYAR (*Mavelikara cum Karthigapalli*): I wish to know whether the auditor at present at any time values the holdings of a company doing banking business.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe generally the buildings, etc., are included in valuing the assets and liabilities of the company. That is my belief. I have not gone through all the auditors' certificates.

The question that the Travancore Banker's Books Evidence Bill be read in Council was then put to the vote and lost, 17 voting *for* and 19 *against*.

PRESIDENT: The Council will now rise. It will not meet to-morrow as the official business has already been completed. We will meet again day after to-morrow at half past eleven.

The Council rose at 5-5 P. M.

S. PARAMESVARA AIYAR,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099,

Thursday, the 1st November 1923.

(OFFICIAL REPORT.)

The Council met in the Victoria Jubilee Town Hall at Eleven Thirty-four of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Newspapers Subscribed for by Government.

23. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the Government be pleased to supply information as to :

(*a*) the names of the newspapers subscribed for by the Government; and

(*b*) the annual expenditure on account of each paper ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) :

(*a*) and (*b*) A list* of the newspapers purchased by the Government, with information as to the annual subscription paid is laid on the table.

Ayurveda Pharmacy.

24. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Will the Government be pleased to state whether they have passed final orders reviewing the audit report of the Ayurveda Pharmacy, and if so, whether they will place on the table the report and the orders thereon ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) : Final orders have not yet been passed.

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* *Vide* Appendix I—pages 151 and 152.

G. P. T. 1155.310 27-11-23. B

[Mr. S. Paramesvara Aiyar.]

Grant-in-aid Vaidyasalas.

25. Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Will the Government be pleased to lay on the table a list of grant-in-aid *Vaidyasalas* in the State with the following information:

(i) the grade of the *Vaidyasala*;

(ii) the special qualification of each *Vaidyan* in charge of the *Vaidyasala*;

(iii) the amount of grant sanctioned for each *Vaidyasala*;

(iv) the date of sanctioning the grant; and

(v) the number of times each *Vaidyasala* was visited by the Director during the last three years?

(*b*) Will the Government be pleased to state the principle underlying the recognition of a *Vaidyasala* as belonging to the 1st, 2nd, 3rd or 4th grade, and whether the place of location, the qualification and the experience of the *Vaidyan*, and the number of cases to be attended to daily have any consideration in determining the grade?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The statement* required by the member is laid on the table.

(*b*) The minimum grant for a *Vaidyasala* now is Rs. 15 per mensem. In making promotions to the higher grades, the qualifications and experience of the *Vaidyans*, the length of their service as grant-in-aid *Vaidyans*, the convenience of the buildings in which the *Vaidyasalas* are housed, the nature of their equipment, the nature and the quantities of the medicines stocked and the popularity and success of the *Vaidyans* are all taken into consideration. The answer to the latter part of the question is in the affirmative.

Tariff Rates for Timber.

26. Mr. A. GOVINDA MENON (*Alengad cum Parur*): Will the Government be pleased to state:

(*a*) whether they would consider the advisability of a reduction in the tariff rates now fixed for royal and other timber, in view of the declared slump in the markets as regards such timber; and

(*b*) whether they are aware that the prices realised at the auction sales of royal and other timber are invariably lower than the tariff value of the same?

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Government have recently examined the question and come to the conclusion that, in view of the fluctuations in the market, the tariff rates call for no revision, except in the case of teak saplings. In regard to teak saplings a notification is being issued.

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* *Vide* Appendix II—pages 152 and 153.

(*b*) Government are aware that it is so generally. Logs, on arrival at the depôt, are first selected by the *Panivagai* and other Government departments and then by the general public, and all logs so selected are paid for at tariff rates. It is only the balance left over after these selections that is sold in public auction.

Sale of Salt at Munambam and Alleppey.

27. MR. A. GOVINDA MENON (*Alengad* cum *Parur*): Will the Government be pleased to state:

(*a*) whether they have made any enquiry into the malpractices regarding the sale of salt at Munambam and Alleppey, brought to the notice of this House at its last session; and

(*b*) whether, if such enquiry has been made, they will furnish this House with the result of such enquiry?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Excise Commissioner has enquired into the allegations and has submitted his reports. The reports are under examination by the Government.

Allegations against Certain Excise Officers.

28. MR. M. N. PILLAI (*Trivandrum*): Have the Government enquired into the allegations brought against the Excise Officers at Alleppey, Munambam and Alwaye, by Messrs. Mammen Mappillai and Khadir Pillai at the last session of the Council, and if so, what the results of the enquiry are?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to the answer to interpellation No. 27 [16].

Assistant Excise Commissioner, Mr. C. T. Oommen.

29. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to inform the Council whether any action has been taken against the Assistant Excise Commissioner, Mr. C. T. Oommen, in view of Mr. Khadir Pillai's statements about him at the last meeting of the Council?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to the answer to interpellation No. 27 [16].

Excise Officers Trained in Distillery Work.

30. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to mention:

(*a*) the names of the Assistant Excise Commissioners and the Inspectors who have been trained in distillery matters at the expense of the Government;

(*b*) the institutions, ranges and divisions where such officers are posted now; and

(*c*) the names of the officers who have now been placed in charge of the distilleries and their special qualifications.

[Mr. A. Hoogewerf.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Assistant Excise Commissioners Messrs. C. T. Oommen and M. Parasu Pillai and Inspector Mr. A. Raman Pillai.

(*b*) (i) Mr. C. T. Oommen, B. A., Assistant Excise Commissioner, is now in charge of the Alwaye Division.

(ii) Mr. M. Parasu Pillai, B. A., Assistant Excise Commissioner, is now in charge of the Piravam Division.

(iii) Mr. A. Raman Pillai, B. A., Excise Inspector, is now in the Neyyattinkara Range.

(*c*) Mr. S. Arumanayakam, Excise Inspector, is now in charge of the Nagercoil distillery and Mr. S. Ramakrishna Aiyar, Excise Inspector, in charge of the Vaikam distillery. They have no special qualifications.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether there are specially trained men in the department for distillery work, and if so, whether they have such qualifications as to be in charge of distilleries?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer to this is contained in part (*d*) of the answer to the next question, in which it is stated;

"In the interests of the department and of the officers themselves it is not desirable to keep an officer for a long time in the same station and on the same work".

MR. M. N. PILLAI (*Trivandrum*): What are the qualifications of the men who are now in charge of the distilleries?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): They have no special qualifications.

MR. M. N. PILLAI (*Trivandrum*): Then what is the necessity for sending men for qualifying themselves?

PRESIDENT: It has already been answered, Mr. M. N. Pillai. Mr. Paramesvara Aiyar has drawn your attention to the answer to part (*d*) of the next question.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state how long they were kept in charge of the distillery?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I must have notice of that question.

Excise Inspectors to be Trained for Distillery Work.

31. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) whether it is a fact that two Excise Inspectors are to be deputed to learn distillery work in Madras;

(*b*) whether it is a fact that six officers were similarly sent to Madras some time ago to learn this work, and there are in the department two Assistant Commissioners and one First Grade Inspector so trained ;

(*c*) whether the Assistant Commissioner or the Excise Inspector in charge of the Nagercoil distillery has been trained in distillery work ; and

(*d*) if they are not, whether it is not possible to send one of the two trained Assistant Commissioners to the Nagercoil division and put Mr. A. Raman Pillai, First Grade Inspector, in charge of the distillery and thus save the money that is going to be spent on the Inspectors proposed to be sent to Madras ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) and (*b*) The answer is in the affirmative.

(*c*) The answer is in the negative.

(*d*) In the interests of the department and of the officers themselves, it is not desirable to keep an officer for a long time in the same station and on the same work and hence the necessity to train more officers.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state for what length of time Mr. Parasu Pillai was in charge of distillery work ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I have no information ready.

MR. A. HOOGEWERF (*Nominated*): May I ask whether first grade Inspector Mr. Raman Pillai was ever in charge of the distilleries ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information. The training of these officers took place in 1085, and I must have notice of this new question.

Distillery Training for Excise Inspectors.

32. MR T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) Will the Government be pleased to state whether they have decided to depute two Excise Inspectors to Madras for training in distillery work ?

(*b*) Are there any officers in the Excise Department who have already undergone the required training in distillery work? If so, what is their number and what offices do they hold now ?

(*c*) Has any one of them been appointed to any of the distilleries?

(*d*) If not, will the Government be pleased to postpone the consideration of the question of spending money for such training until the department accepts the principle of employing on distillery work those already trained for the work ?

[Mr. S. Paramesvara Aiyar.]

Mr. S. Paramesvara Aiyar (*Secretary to Government*): (*a*) to (*d*) The member is referred to the answer furnished to interpellation No. 30.

Evasion of Payment of Customs Duty.

33. Mr. M. N. Pillai (*Trivandrum*): (*a*) (i) Are the Government aware of the fact that large consignments of cocoanut, coir, fibre and other dutiable articles have been, of late, allowed to pass through the Quilon Land Entrance chowkey without payment of duty?

(ii) Has the Excise Commissioner reported to the Government on the subject? If not, will they be pleased to call for the records and place them on the table?

(*b*) Are they aware of the fact that more than one firm at Alleppey have of late been exporting dutiable articles, *viz.*, the produce of cocoanut trees, without payment of duty?

Mr. S. Paramesvara Aiyar (*Secretary to Government*): (*a*) (i) No dutiable articles are reported to have been allowed to pass the Quilon Land Entrance chowkey without payment of duty.

(ii) In view of the answer to part (*a*) this question does not arise.

(*b*) One Alleppey firm has been reported to have exported cocoanut oil without payment of full duty.

Smuggling through the Quilon Land Entrance Chowkey.

34. Mr. T. Kumara Pillai (*Eraniel cum Vilavankod*): Have the Government had occasion to know that, although cocoanut oil valued at a considerable amount was smuggled through the Land Entrance chowkey, Quilon, in 1098, and the same was detected, the authorities concerned have not taken any legal action in the matter? If not, will the Government be pleased to call for the records and examine them?

Mr. S. Paramesvara Aiyar (*Secretary to Government*): The member is referred to the answer to interpellation No. 33.

Mr. T. Kumara Pillai (*Eraniel cum Vilavankod*): These are not identical questions. Mr. M. N. Pillai's question is about the consignment of cocoannt, coir, etc. My question is about cocoanut oil alone.

Mr. S. Paramesvara Aiyar (*Secretary to Government*): A portion of the question of Mr. M. N. Pillai relates to cocoanut oil. *Vide* part (*b*).

Mr. T. Kumara Pillai (*Eraniel cum Vilavankod*): That is only about the Alleppey firm.

Mr. S. Paramesvara Aiyar (*Secretary to Government*): Yes, only about it.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Is there any other instance with reference to the Quilon Land Entrance chowkey?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

Beyond what is stated in the answer to that question, no instance has come to the notice of the Government.

Scheme for Gradual Prohibition of Drink.

35. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Will the Government be pleased to state whether the Excise Commissioner has submitted to the Government a scheme to achieve gradual prohibition?

(*b*) If so, will the Government be pleased to place the scheme on the table for public information?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes.

(*b*) The scheme is under the consideration of the Government and it is too soon to decide on the question of its publication.

Departmental Reports for 1098 M. E.

36. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to place on the table, when ready, the annual reports for 1098 on the working of the several departments?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

The question of printing and publishing departmental annual reports is under the consideration of the Government.

Trivandrum-Nagercoil Railway Line.

37. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): (*a*) Will the Government be pleased to state what progress has been made in the preliminary survey of the Trivandrum-Nagercoil Railway line and to consider the desirability of commencing the construction of the line before undertaking the survey of the Kottarakara-Ernakulam line or at least simultaneously with it?

(*b*) Will the Government be pleased to state whether it is possible to extend the railway to Chalai or its neighbourhood in the immediate future?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) In connection with the survey of the Trivandrum-Nagercoil line, the traverse line has been set out for 17½ miles, and beyond that, the ground has been investigated by taking trial levels up to a point opposite to the 26th mile of the M. S. Road. With regard to the construction of the line, it is not possible to give a definite reply at present.

(*b*) No definite reply can be given at present.

[Mr. G. Paramesvaran Pillai.]

The Periyar Lake.

38. Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*) :

(i) Will the Government be pleased to state the extent of the area of the Periyar lake leased to the British Government under the agreement dated the 29th November, 1886?

(ii) What is the extent of the catchment area and what is the lease amount?

(iii) Is there any prohibition regarding the registry and cultivation of the catchment area, and if so, on what grounds? If not, are the Government now deriving any land revenue therefrom?

(iv) If cultivation is prohibited, are the Government getting any compensation for the consequent loss of revenue? If not, will the Government be pleased to approach the Madras Government with a view to enable them to assign such lands for cultivation?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*) :

(i) and (ii) The member is referred to pages 39 to 44 of the *Land Revenue Manual*, Volume II. The extent of the catchment area is about 245 sq. miles.

(iii) Yes. The entire catchment area is reserved forest.

(iv) In the light of the answer to part (iii) this question does not arise.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : The answer to clause (iii) of my question is: "The entire catchment area is reserved forest." I should like to know whether that is the only ground on which the registry and cultivation of the catchment area of the Periyar is prohibited.

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): Practically that is the only ground.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : Sir, may I know whether the Chief Secretary is in a position to answer me more definitely than saying "practically"?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*) : The officers of the Madras Government are against allowing registry of lands in the catchment area.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : If the officers of the Madras Government are against it, may I know whether there is any agreement which is binding upon this Government that the wishes of the officers of the Madras Government should be complied with?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*) : There is no regular agreement.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : May I then know whether this Government will be pleased to approach the

Madras Government with a view to enable them to assign such lands as are in future found necessary by the Travancore Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

Travellers' Bungalow at Kanjirapalli.

39. MR. K DOMINIC TOMMAN (*Peermade cum Devicolam*):

(*a*) Will the Government be pleased to state:

(1) the total cost of the Second Class Travellers' Bungalow with its out-houses at Kanjirapalli;

(2) the annual cost of upkeep of the same with the watcher's pay;

(3) the amount of annual income realised for each of the years 1096, 1097 and 1098;

(4) the amount of rent paid by the Government for the buildings now used as the court house and the Sub-Registrar's office at Kanjirapalli; and

(5) the distance of these offices from the Travellers' Bungalow?

(*b*) Is not the Travellers' Bungalow close to the other public institutions at Kanjirapalli such as the District Hospital, the English School and the Police Station?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) (1) Rs. 13,226.

(2) Rs. 280 per annum, including the pay of the watcher.

(3) The receipts for 1097 and 1098 were Rs. 41-20-8 and Rs. 33-23-6, respectively. The bungalow was opened for public use only from the 1st Chingam 1097.

(4) Rs. 37-14-0 *per mensem* for the court house and Rs 12 *per mensem* for the Sub-Registry Office.

(5) About a mile.

(*b*) Yes.

Assignment of Vechur Kari to Depressed Classes.

40. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to state:

(*a*) whether they have reserved the Vechur *kari* lands in the Vaikam taluk for assignment to members of the depressed classes like Pulayas;

(*b*) what the extent of the *kari* lands available for the purpose of such assignment is; and

(*c*) whether they have received any application from the Pulayas of Vechur and adjoining places for the assignment of lands from the Vechur *kari*, and if so, how many applications have been received and what the extent of the lands already registered is?

[Mr. R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) No portion of the *kari* lands is available for assignment.

(*c*) Yes. 25 applications have been received. No portion of the *kari* lands has been assigned to the applicants. The applications have been struck off as they relate to lands reserved for grazing and for the growth of *era* grass necessary for putting up bunds round *puncha* lands.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know if the whole land is required for grazing and for the growth of grass?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

Assignment of Vechur Kari to Depressed Classes.

41. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to state whether a portion of the Vechur *kari* lands in the Vaikam taluk will be granted to members of the depressed classes?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to question No. 40.

Licenses for Fire-arms.

42. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state how many of the applications for licenses for fire-arms for the year 1099, presented to the Division Peishkar, Kottayam, in Karkadakam, 1098, were pending the issue of licenses until the 15th Kanni, 1099?

(*b*) Are the Government aware that the present practice which compels applicants for renewal of licenses for fire-arms to deposit their fire-arms in the police station, pending the issue of licenses, is productive of much hardship and loss to the people?

(*c*) If so, will the Government be pleased to arrange that, as is done in the neighbouring State of Cochin, fire-arms need be deposited in the police station only in the case of applications for fresh licenses, but that in the case of applications for the renewal of time-expired licenses, fire-arms need not be deposited in the police stations?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Of the 1,189 applications received during Karkadakam, 1098, 976 had been disposed of and 213 were pending on the 15th Kanni, 1099. 167 of the pending applications were also disposed of before the close of Kanni, 1099.

(*b*) The answer is in the negative.

(c) Applicants for renewal of licenses are not compelled to deposit their arms in police stations, but under Section 11 of the Travancore Arms Regulation, V of 1084, "any person possessing arms, ammunition or military stores, the possession whereof by him has in consequence of the cancellation or expiry of a license become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station." If applications for renewal are made sufficiently early, the necessity for depositing arms in the nearest police station may be obviated.

Portions of the Periyar River under the Control of the Forest Department.

43. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*):

(a) Will the Government be pleased to state whether the portions of the Periyar river, flowing through the Kuttamangalam and Kotamangalam *pakuthies* of the Muvattupuzha taluk, are included in the reserve and placed under the control of the Forest Department?

(b) Are the Government aware that several registered wet and dry lands are included in the said *pakuthies*, that they are situated on the southern bank of the river, and that they contain human habitations also?

(c) Are the Forest Officers competent to take up cases against the people, penalising such acts as the taking up of cattle through the river and the use of the river for bathing purposes and for boat traffic?

(d) If so, will the Government, in the interests of the ryots concerned and for the protection of their cattle, exclude these places from the control of the Forest Department and make them available for the use of the public?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) and (b) Portions of the Periyar river flowing through the Kotamangalam and Kuttamangalam *pakuthies* and most of the registered lands on the southern bank of it fall outside the reserve forest.

(c) and (d) The restrictions under the Forest Regulation apply only to reserve forests. Specific cases of hardship resulting from such restrictions will be enquired into and remedied as far as possible.

System of Grant of Agricultural Loans.

44. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to give effect to the following measures with a view to enable the poor ryots to secure greater benefits under the existing system of granting agricultural loans:

(a) that there should be a restriction to the effect that no one will be entitled to a loan exceeding Rs. 1,000;

(b) that loans will be given only to those whose occupation is agriculture; and

[Mr. N. Ramakrishna Pillai.]

(c) that all applications for loans should be disposed of within a period of one and a half months?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) The member's suggestion to restrict the amount of the loan to Rs. 1,000 would not be in the interests of the public. Government have issued instructions to grant large loans only sparingly.

(b) The Land Improvement and Agricultural Loans Regulation, IX of 1094, and the rules issued thereunder, define the persons to whom and the purpose for which loans are to be granted. Government do not see any reason to alter the Regulation and the rules.

(c) It is not possible to prescribe any period for the disposal of loan applications. Strict instructions have been issued for the disposal of loan applications as expeditiously as possible and the work is reviewed periodically.

Distribution of Appointments.

45. MR. TARIATU KUNJITOMMAN (*Murattupuzha*): Will the Government be pleased to issue stringent orders that, when more applicants than one, having the same qualifications, come forward in respect of the same post in any department of the State service except the Devaswom Department, preference ought to be given to that applicant whose community is the least represented in the department in proportion to its numerical strength?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): This question is covered by a resolution balloted for discussion at this meeting of the Council.

Sericultural Expert.

46. MR. TARIATU KUNJITOMMAN (*Murattupuzha*): Will the Government be pleased to state the qualification and pay of the Sericultural Expert?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Sericultural Expert gets a pay of Rs. 60 in the scale of Rs. 60-5-100. He has undergone training in sericulture at Bangalore and Pusa and in silk weaving at Kashmir and Berhampur.

The Empire Exhibition.

47. MR. N. RAMAKRISHNA PILLAI: (*Vaikam cum Ettumanur*): In regard to the recent exhibition for sending exhibits to the Empire Exhibition, will the Government be pleased to state:

(a) the number and kinds of exhibits collected and sent up by the Industries Department, with the exception of those supplied by the School of Arts;

(b) the amount spent for the purpose of collecting exhibits and the amount spent for the purpose of making or manufacturing exhibits;

(c) the total amount hitherto spent on account of the exhibition and the different items of expenditure; and

(*d*) the approximate amount necessary for the purpose of transporting the exhibits to London?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Exhibits sent up by the Industries Department :—

(i) 36 specimens of minerals.

(ii) Archil, archil dye and cloths dyed with archil.

(iii) *Maniakura*, fresh and dried.

(iv) *Jamakals* and plantain-fibre cloth.

Besides the above, several private individuals and bodies as well as grant-in-aid industrial schools have sent lace cloths and other cotton fabrics made as per designs furnished by the Textile Expert.

(*b*) The amounts spent for the purpose of collecting exhibits and for making and manufacturing exhibits can be known only after detailed accounts of expenditure for the money advanced to the conveners of the several sub-committees are received. The total amount advanced to the conveners of the sub-committees is Rs. 8,982 chs. 24 c. 13.

(*c*) The total amount hitherto spent on account of the Exhibition is Rs. 12,969 chs. 18 c. 13. The following are the items of expenditure :—

	Rs.	chs.	c.
(1) Advance to the Superintendent, School of Arts ...	6,236	22	13
(2) Advance to the convener of the sub-committee for lace and embroidery works ...	1,500	0	0
(3) Advance to the Director of Public Instruction ...	545	22	8
(4) Advance to the Conservator of Forests...	500	0	0
(5) Advance to the Director of Industries ...	250	0	0
(6) Advance to the Director of Agriculture and Fisheries ...	105	10	0
(7) Part payment for taking photographs ...	390	20	0
(8) Part payment for *pandal* and other works connected with the Preliminary Exhibition in Trivandrum ...	2,500	0	0
(9) Miscellaneous items, including cost of medals ...	940	27	8
Total ...	12,969	18	13

(*d*) The cost of transporting the exhibits to England can be known only after the exhibits are shipped to London,

[Mr. S. Paramesvara Aiyar.]

Manager in the Conservator's Office.

48. Mr. N. Ramakrishna Pillai (*Vaikam cum Ettumanur*):

(*a*) Will the Government be pleased to say whether it is a fact that the late Conservator of Forests, Mr. Raman Menon, recommended the abolition of the Manager's post and the retirement of the present Manager in the Conservator's Office?

(*b*) Will the Government be pleased to say who the present Manager in the Conservator's Office is, what his qualifications are, and what the extent of his service is?

Mr. S. Paramesvara Aiyar (*Secretary to Government*):

(*a*) The answer is in the negative. Government ordered the abolition of the Manager's post in the Conservator's office on the strength of the report of the Salaries Committee. But, as the present Manager was not ripe for retirement and as there was no other suitable place for him, he was ordered to be kept on as a supernumerary manager till his retirement or he is otherwise provided for, the head clerk's post being kept vacant.

(*b*) The present Manager's name is Mr. S. Kalyanarama Aiyar. He has no qualifications; but is reported to be efficient. He has put in a service of 26 years and 7 months.

Excise Conference.

49. Mr. N. Ramakrishna Pillai (*Vaikam cum Ettumanur*): Will the Government be pleased to state:

(*a*) whether there was a conference of the Excise Commissioner and the Assistant Excise Commissioners in 1099;

(*b*) whether any report as to the result of the conference has been submitted to the Government;

(*c*) whether it is a fact that the reduction of Excise divisions and the transfer of the power of collecting *kist* to the Land Revenue Department were decided upon at that conference; and

(*d*) whether the question of promoting temperance was considered at the conference?

Mr. S. Paramesvara Aiyar (*Secretary to Government*): (*a*) Yes.

(*b*) Yes.

(*c*) Government have no information that the conference considered the question of reducing the number of Excise divisions. The question of transferring to the Land Revenue staff the work of collecting Excise revenue was considered by the conference.

(*d*) Yes.

Appendix I.

Vide Answer to Question No. 23

List of Newspapers subscribed for by the Government.

	Name.	No. of copies.	Rate of subscription per copy per annum. B. Rs.	As.
1	Cochin Argus ...	2	12	13
2	Daily Express ...	2	34	0
3	Hindu ...	5	45	0
4	Indian Social Reformer ...	1	7	8
5	Justice ...	2	40	8
6	Madras Mail ...	5	48	0
7	Malabar Herald ...	1	4	13
8	Mitavadi ..	1	5	0
9	New India ...	2	27	0
10	Pioneer ...	1	48	0
11	Times of India ...	1	45	0
12	Do. Weekly ...	1	22	0
13	Cheramardutan ...	2	2	8
14	United India and Indian States .	1	12	0
15	Wednesday Review ...	1	8	0
16	West Coast Spectator ...	1	15	0
17	Kshemodayam ...	2	5	0
18	Swadesamitran (Tamil) ..	1	24	0
19	Swadesamitran Weekly (English) ...	1	6	0
20	Swarajya ...	1	28	0
21	Malabar Advocate ...	4	5	0
22	Sudarsanam ...	4	6	0
23	Travancore Times ...	4	5	0
24	Trivandrum Daily News ...	4	22	0
25	Western Star ...	4	12	0
26	Standard ...	4	6	0
27	Citizen ...	4	6	0
28	Rajasthan ...	1	10	0
29	New Mysore ...	1	5	0
30	Desabhimani ...	2	4	0
31	Keralakaumudi ...	2	5	0
32	Keraladipam ...	2	4	0
33	Keraliyabhimani ...	2	6	0
34	Malayali ...	2	9	0
35	Malayala-Manorama ...	2	9	0
36	Muslim ...	2	7	0
37	Nasranidipika ...	2	9	0
38	Pauran ...	2	4	0
39	Samadarsi ...	2	9	0

Appendix I.—(*Contd*)

Vide Answer to Question No. 23.

List of Newspapers subscribed for by Government.

	Name.	No. of copies.	Rate of subscription per copy per annum.	
			B. Rs.	As.
40	Srivazhumkode ...	2	4	0
41	Virakeralan ...	2	4	0
42	Swarat ...	2	7	0
43	Potunalam (Tamil) ...	2	4	0
44	Kottayam Patrika ...	2	3	8
45	Abhyudaya ...	2	4	0
46	Prabhata-Taraka ...	2	4	0
47	Janaranjini ...	2	6	0
48	Navabharati ...	2	6	0
49	Keralan ...	2	4	0
50	Dakshinadipam ...	1	4	0
51	Sambavarnesan ...	2	1	4
52	Dharmadipam ...	2	2	8
53	Amritabharati ...	2	4	0
54	Janmabhumi ...	2	4	0
			£	s d.
55	Truth (London) ...	1	2 ·	7-8
56	Times (London) Weekly Mail ...	1	1 -	10-0
57	Times (Educational Supplement).	1	0 -	17-0

Appendix II.

***Vide* Answer to Question No. 25.**

List of Vaidyasalas in the State.

Serial No.	Name of Vidyasala.	(1) Grade.	(2) Special qualification of the Vaidyans or their experience.	(3) Amount sanctioned.	(4) Date of sanction.	(5) No of times the institution was visited by the Director during the last three years.	Remarks.
				Rs.			
1	Manakad .	I	Govt: Ay: Examination.	30		3	
2	Alangad-Aiyrur ...	Do.	Ay: Higher Medical Examination	30		3	
3	Haripad ...	II	28 years' Experience.	25		1	
4	Ponmana ...	Do.	Ayurveda Examination	Do.		1	
5	Chavara ...	Do.	24 years' Experience.	Do.		1	
6	Puttanchanta ...	Do.	28 years' Do.	Do.		3	
7	Taravur ...	III	Ay: H. M. Examination.	20		Nil.	
8	Ettumanur ...	Do.	25 years' Experience.	Do.		3	
9	Perunna ...	Do.	Ay: Examination.	Do.		2	
10	Trikkariyur ...	Do.	28 years' Experience.	Do.		Nil.	
11	Cape Comorin ...	Do.	Ay: H. M Examination.	Do.		2	
12	Kottarakara ...	Do.	22 years' Experience.	Do.		2	
13	Mannadi ...	Do.	Ay: H. M. Examination.	Do.		1	
14	Padmanabhapuram ...	Do.	Madras Ay: Final Examination.	Do.		1	
15	Attingal ...	Do.	34 years' Experience.	Do.		1	
16	Ezhumattur *Visha* Vaidyasala ...	Do.	12 Do.	Do.		2	

List of Vaidyasalas in the State.—(*contd.*)

Serial No.	Name of Vaidyasalas.	(1) Grade.	(2) Special Qualification of the Vaidyans or their experience.	(3) Amount sanctioned.	(4) Date of sanction.	(5) No. of times visited by the Director.	Remarks.
17	Kayamkulam ...	III	Ay: H. M. Examination.	20	21st July 1923.	1	
18	Alleppey ...	Do.	25 years' Experience.	Do.		3	
19	Quilon Town ...	Do.	29 years' Do.	Do.		3	
20	Changankulangara ...	Do.	Ay: H. M Examination.	Do.		1	
21	Pandalam ...	Do.	Ayurveda Examination.	Do.		1	
22	Kaladi ...	Do.	Do.	Do.		3	
23	Srikandesvaram ...	Do.	Do.	Do.		3	
24	Perumtanni (*Visham*).	Do.	12 years' Experience	Do.		3	
25	Kazhakkuttam ...	Do.	Ay: H. M. Examination.	Do.		Nil.	
26	Quilon-West .	Do.	29 years' Experience.	Do.		3	
27	Kilimanur ...	Do.	Ay: H. M Examination.	Do.		Nil.	
28	Neyyattinkara ...	Do.	Do.	Do.		1	
29	Vaikam Town ...	Do.	Do.	Do.		2	
30	Perinad ...	IV	Do.	15		Nil	
31	Ambalapuzha ..	Do.	Do.	Do.		2	
32	Mararikulam ...	Do.	Do.	Do.		Nil.	
33	Udayamperur ...	Do.	Do.	Do.		3	
34	Mannar ...	Do.	Do.	Do.		1	
35	Chingavanam ...	Do.	19 years' Experience.	Do.		1	
36	Paravur (Quilon) ...	Do.	Madras Ay: Examination.	Do.		Nil.	
37	Kottangara ...	Do.	Ay: H. M. Examination.	Do.		1	
38	Kallada-West ...	Do.	Do.	Do.		Nil	
39	Kirikkad ...	Do.	Do.	Do.		1	
40	Mavelikara Town ...	Do.	15 years' Experience.	Do.		1	
41	Konni ...	Do.	Ay: H. M. Examination.	Do.		Nil	
42	Pattanamtitta ...	Do.	Do.	Do.		Nil.	
43	Aranmula ...	Do.	Ayurveda Examination.	Do.		2	
44	Perumbalam ...	Do.	Ay: H. M. Examination.	Do.		1	
45	Kidangur ...	Do.	Do.	Do.		3	
46	Vijayapuram ...	Do.	Do.	Do.		2	
47	Ramapuram ...	Do.	Do.	Do.		1	
48	Trikkakkara ...	Do.	Ay: Examination.	Do.		3	
49	Pirappankodi ...	Do.	Do.	Do.		1	
50	Punalur ...	Do.	Ay: H. M. C. Examination.	Do.		Nil.	
51	Tiruvattar ...	Do.	Ayurveda Examination.	Do.		1	
52	Kuzhittura ...	Do.	Ay: H. M. Examination.	Do.		2	
53	Perumtanni (W. & C.).	Do.	Do.	Do.		2	
54	Vanchiyur ...	Do.	12 years' Experience.	Do.		2	
55	Kappil ...	Do.	Arya Vaidya Samaj Examination.	Do.		Nil.	
56	Chengannur (*Visham*).	Do.	19 years' Experience.	Do.		2	
57	Iraviperur Do. ...	Do.	16 years' Do.	Do.		2	
58	Talavadi ...	Do.	28 years' Do.	Do.		1	
59	Kavalam ...	Do.	26 years' Do.	Do.		1	
60	Piravam ...	Do.	Ay: L. M. Examination.	Do.		1	
61	Perumbavur ...	Do.	Ay: H. M. Examination.	Do.		3	
62	Nedumpuram ..	Do.	Do.	Do.		1	
63	Tazhakudi ..	Do.	Do.	Do.		1	
64	Aranmula (*Visham*) ...	Do.	3 years' Experience.	Do.		2	
65	Tiruvalla Do. ...	Do. Do.	*Visha* Vaidya Examination.	Do.		2	
66	Chengannur ...	Do.	Ay: H. M. Examination.	Do.		2	
67	Suchindram ...	Do.	Do.	Do.		2	
68	Vettikkavala ...	Do.	Ay: L. M. Examination.	Do.		1	
69	Parur ...	Do.	Ay: H. M. Examination.	Do.		3	
70	Kumaramangalam ...	Do.	Do.	Do.		1	
71	Varkala ...	Do.	Do.	Do.		1	
72	Kadutturutti ...	Do.	Do.	Do.		3	

[Mr. A. Govinda Menon.]

THE NAIR REGULATION AMENDMENT BILL.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, in view of the lamented death of the mover of the Nair Regulation Amendment Bill, I move for permission being granted to me to take charge of the Bill and to continue it in the Council.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I beg to second that motion.

MR. A. HOOGEWERF (*Nominated*): I beg to support that motion.

PRESIDENT: Mr. Govinda menon, am I to take it that you withdraw your motion ?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Yes, Sir.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir though there does not seem to be any specific provision for the step proposed, I believe, that the general principle mentioned in Standing Order No. 4 may be applied in this case and permission granted. Standing Order No. 4 says :

"On the dissolution of a Council, all Government Bills which have been introduced shall be carried over to the pending list of business to the next Council and all private Bills shall lapse unless the member in charge of the Bill is returned to the new Council or the Council on a motion of any other member desiring to take charge of the same makes a special order for the continuance of the Bill."

In other words, if, in the new Council, a member of the old Council ceases to be a member, the Bill introduced by him may be taken charge of by another. In this particular case, the mover of the original Bill having ceased to be a member, I do not think there will be any objection to Mr. K. Paramesvaran Pillai's continuing the Bill.

PRESIDENT: May I take it that the House accepts the motion?

The motion was carried.

The following motion standing in the name of Mr. A. Govinda Menon was not moved :—

That in place of the late Mr. K. P. Raman Pillai B. A., B. L., Mr. P. K. Narayana Pillai B. A., B. L., be made the mover of the Nair Regulation Amendment Bill.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Prohibition of Cow-killing.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Sir, I beg to move the following resolution:—

That this Council recommends to the Government the necessity of early legislation prohibiting the killing of cows in this State.

The considerations which have prompted me to bring in this resolution are economic, humanitarian and religious. The importance of each of these aspects would necessarily vary with each of us. To the utilitarian and the materialist, the economic aspects would be all-important; whereas to those of a human and refined temperament the humanitarian aspect would appeal with the greatest effect. With the Hindu, it is the religious aspect that would count most; for he regards the cow as a sacred animal and believes that to bring about her destruction in any manner would bring on him the punishments prescribed for one of the deadliest crimes known to his religion.

To an agricultural people like us the economic value of the cow is indeed inestimable; without good cows, we cannot get good cattle to plough our fields and to supply us with manure. Moreover, a rice-eating nation like us could not afford to live without cow's milk and its various products. These facts were well-recognised by our people in days gone by. The remnants now in existence in middle and north Travancore of cattle sheds built by our ancestors in many cases, with as much, care as if not better, than was usually bestowed on family houses, show how much value they set upon their cattle. The ample village pastures supplied them with enough fodder in the day, and the storages of hay and straw they carefully collected and kept fed them in the night. Our cattle then were in no way inferior to those of the neighbouring British districts and we had enough of them to plough all our fields in those days. Times have changed and the condition of our cattle now is the worst imaginable. Indiscriminate slaughter of cattle, especially of cows, for purposes of human food, insufficient pasture for grazing, indifferent care bestowed on the rearing and keeping of cattle—these and many other causes have, in recent years, conspired together to produce the deplorable condition of our cattle and consequently of the ryot at the present day. No accurate statistics as to the number of our cattle exist, and the approximate figures which alone are available to us show that, whereas in British India they have sixty-one head of cattle per hundred of the population, we have here only twenty-five. And when we take into account the inferiority of even these few we possess, the explanation of the enormous amount disbursed by our ryots in foreign markets for the purchase of cattle is obvious.

Not agriculture alone has suffered from this cupable neglect of our cattle; human life, as is shown by the high rate of infant mortality in this country, has also suffered considerably from want of cow's milk. Every family and homestead formerly possessed a few cows which yielded milk sufficient to satisfy the needs of the children and the adult members of the family. Cows are a luxury now and consequently the children especially suffer for want of sufficient nutritious food. What cows we possess do not yield even a fourth of the quantity which those in the neighbouring parts of British India yield; scarcity of fodder and pasturage, deterioration in breed, indifference to breeding and rearing cows, and indiscriminate slaughter of cows for meat are among the causes which have brought about this sad state of affairs.

[Mr. A. Govinda Menon.]

It is highly gratifying to note that the problems of our milk supply and of the improvement of our cattle have lately engaged the serious attention of the Economic Development Board. In a short paper read at a recent meeting of that Board by Mr. S. K. Dharwardkar, he dealt with those problems briefly and concisely but with telling force, and the various suggestions offered by him for remedying the present state of affairs did all meet with the full approval of the Board. The first of those suggestions relates to the complete prohibition of the slaughter of cows in this State and the reasons advanced by Mr. Dharwardkar in support of this suggestion are all based on a consideration of the economic aspect of the question.

The duty and the necessity of protecting the cow from the hands of the butcher on the score solely of her importance as a vital economic factor in the life of an agricultural population have been recognised in recent times by non-Hindu Rulers such as H. E. H. the Nizam, H. H. the Begum of Bhopal and H. M. the Amir of Afghanistan who have prohibited the slaughter of cows in their dominions. Eminent men like Sir John Woodroffe, Mr. C. F. Andrews and others have advocated such prohibition, throughout India, on both economic and humanitarian grounds.

The humanitarian aspect of the question needs no pleading at my hands. The cow is to the Indian an absolute necessity. She attends to his comforts from birth; she feeds him with milk throughout his childhood and supplies him also with butter and butter-milk till his death. Her milk and its products, butter and butter-milk, are essential to him throughout his life. Her male offspring till his fields for him and she and her children provide him with a good quantity of manure. She is as it were the guardian angel of the health and the prosperity of the Indian household. She is supremely gentle and loving by disposition. Is it just, then, to place her under the butcher's knife? Is it not our duty to protect her under all circumstances? Let alone this humanitarian point of view; self-interest even plainly dictates to us our paramount duty to guard her against all who may wish to lay violent hands on her.

The cow is sacred to all Hindus irrespective of caste. She is the emblem of prosperity. To hurt her ever so slightly is sinful and he who slaughters her commits one of the five deadly sins which are practically inexpiable. This is a Hindu State and Hindus form over 70 per cent. of its population. The major portion of the non-Hindu population are Christians, but, even among a good many of them, there is a sentimental aversion to cow's meat. Among the Mahomedan population too, there are many who avoid the use of cow's flesh. This country abounds in other animals which could supply the needs of the meat-eating population. Why not then spare the cow from the butcher's knife in deference to the sentiments of the majority of the people and in view of its economic value in our households?

MR. A. HOOGEWERF (*Nominated*): I beg to know whether Mr. Govinda Menon objects to the slaughter of bulls also.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I do not object to the slaughter of bulls.

I need not say that nearly 70 per cent. of the population of the State are Hindus and even a good number of the other communities consists of Christians who do not eat cow's flesh. Even to this day, in spite of the reformed ideas of Christianity and advanced education, there are Christians who object to eat cow's flesh in rural parts. In town parts also, I have met with Christian High Court Vakils and other respectable gentlemen who have told me that they have never touched cow's flesh. It is not exactly the sentiment which inspires the Hindus which makes the Christians averse to eating cow's flesh. It is a kind of traditionally inherited sentiment which, in spite of the religion they now profess, makes them averse to its use.

MR. PAUL V. DANIEL (*Agastisvaram*): May I ask a question of the member, whether the Christian religion sanctions the killing of cows?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): So far as I have been able to ascertain, the Christian religion is a religion of love. It not only does not allow but prohibits even the doing of the least harm to any man or animal in the world. But, unfortunately, it may have been interpreted in different ways by different people; for there are people now who say that all animals are created for the use of man. But so far as I have read the Bible, what I have been able to understand is that the teaching of the Bible is quite different from what those people say. Even among Mahomedans there are gentlemen who are against the use of cow's flesh. I may instance Mr. Khadir Pillai who belongs to an ancient family, and who is, to my knowledge, not used to eating cow's flesh. But it is not exactly the same sentiment that inspires a Hindu that induces them to abstain from using cow's flesh. I shall quote an instance which took place some two years ago to show that this is not a question which is brought forward simply because of religious beliefs which one may hold – I for one may say that I am not an orthodox Hindu. My point of view is more economic and utilitarian than religious. Of course, the religious point also counts to some extent. A large meeting was convened at Salem two years ago under the presidency of the General Secretary of the Y. M. C. A. at which a resolution was brought forward by a Tamilian gentleman and was supported by two of the leading Mahomedan gentlemen of the place. All the prominent Mahomedan leaders are of opinion that cow-slaughter should be prevented. As far as Christian leaders are concerned, all the leading humanitarian propogandists now in existence—most of them are Americans and Englishmen—are generally averse to any kind of slaughter of cattle. And I do not think that any section of the people—they may belong to any caste or religion—would object to this. In many of the municipalities in northern India, and even in some of the municipalities in southern India, restrictions are placed on the slaughter of cows.

[Mr. Joseph Panjikaran.]

In the States of Kolhapur, Baroda, Kashmir, Gwalior, Morvi, Limbdi, Gondal, Bansda, Bilasapur, Dhrangadru (Kathiawarkra, and Barwani (Central India), laws have been promulgated prohibiting entirely the slaughter of cows. I do not claim any special treatment at the hands of this House and at the hands of the Government because of the fact that this is a Hindu State. Although this is a Hindu State, no other State in the world, not even in India, can boast of the tolerance which it has meted out to other religious bodies. (*Hear, hear.*) Just a few days ago, a friend of mine told me that, in a State in northern India, a missionary wanted to acquire a few cents of land and that he was promptly told that no such thing would be allowed. In this place every religious body is welcomed and is allowed to acquire lands. In such circumstances, what I merely ask is whether, if we Hindus, who form three-fourths of the whole population of this State, want to prohibit the slaughter of cows, the other portion of the population should not be charitable enough to extend towards us, their neighbours the same toleration which we now extend and have for centuries been extending to them in the matter of their religion. This is only a very small thing. There are so many varieties of animals existing in this State. The State abounds in forests which contain a large number of animals whose flesh is fit for food. After all, cow's flesh is not very much used even among non-Hindus as it may be generally supposed by an outsider. From the facts I have mentioned as regards Christians and Mahomedans, especially in rural areas, it can be seen that they practically object to the use of cow's flesh. I therefore trust that my resolution will be unanimously supported by all here without any dissentient voice.

MR. JOSEPH PANJIKARAN (*Shertallai*): I want to ask Mr. Govinda Menon a question before he sits down. Do the Hindu Shastras anywhere make it a duty on the Hindu to see that the killing of cows even by others is prohibited? (*Laughter*):

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Yes. I can quote a *sloka* from Manu if he wants.

MR. JOSEPH PANJIKARAN (*Shertallai*): It is for information that I ask.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): This is what Manu says:

"All are murderers the man who advises the killing of a creature, the man who kills, the man who flays, the man who purchases, the man who sells, the man who cooks the flesh, the man who distributes it and the man who eats it."

Such is the wide prohibition regarding the killing of cows that is given by Manu.

MR JOSEPH PANJIKARAN (*Shertallai*): I am afraid that it does not answer my question. My question is whether the Hindu *Sastras* anywhere make it a duty on a Hindu to see that the killing of cows by others is prohibited.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I suppose that the passage I quoted is comprehensive enough to cover all imaginable cases.

MR. JOSEPH PANJIKARAN (*Shertallai*): So far as I have been able to understand—

PRESIDENT: You cannot comment upon it. That is his answer. You may put any interpretation upon it you like.

MR. PAUL V. DANIEL (*Agastisvaram*): Sir,—

PRESIDENT: Is the resolution seconded?

MR. PAUL V. DANIEL (*Agastisvaram*): Sir, I second the resolution and strongly support it. Of all the ruminating animals, the most useful to man and especially so to the agriculturist are the cow and the ox. An agriculturist therefore naturally has a special love and regard for these animals; and in certain cases he would even go to the extent of attaching some sacredness to these animals. Travancore is a country whose mainstay is agriculture and we in south Travancore solely depend or mainly depend upon agriculture. By us the killing of a cow or even an ox or a calf is considered highly objectionable.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the resolution in question covers the case of bulls also?

MR. PAUL V. DANIEL (*Agastisvaram*): It does not. That is what Mr. Govinda Menon said. He has restricted it to cows.

MR. A. HOOGEWERF (*Nominated*): I want to know whether the cow is used for agricultural purposes, *i. e.*, whether it is yoked in tilling the ground for agricultural purposes.

MR. PAUL V. DANIEL (*Agastisvaram*): Without the cow how can the bulls be produced? (*Laughter.*)

One item in the daily prayer of the Brahmins in the country is for the prosperity of the cow kingdom. Vegetarianism—according to an Encyclopædia which I possess—is as old as the time of Pythagoras, the Greek Philosopher. I thought this could not possibly be true. Then I referred to the Bible. There I found the following first commandment to the first parents in the very first chapter of the very first Book.

"Behold, I have given you every herb bearing seed, which is upon the face of all the Earth and every tree in which is the fruit of a tree yielding seed, to you it shall be meat."

Of course vegetarianism has been for generations practised by the Hindus and some others, and it is now being brought to much prominence.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether there were cows in the Garden of Eden. (*Laughter.*)

MR. PAUL V. DANIEL (*Agastisvaram*): Must have been. Everything was created then.

[Mr. A. Hoogewerf.]

In this connection I think it would be useful if I refer to a prayer made by Daniel the Prophet for himself and three others while he was a captive in Babylon when the king of Babylon offered him and certain other young Israelites for whom he had a special liking, meat and wine of his own table:—

"Give us but pulse, (பருப்பு) to eat and water to drink; try us for ten days; we shall grow fatter and better-looking than all the others."

And this was tried and proved successful. Daniel and his three friends grew not only fatter, and better-looking, but they were wiser as well.

Mr. A. HOOGEWERF (*Nominated*): Does it give rise to the presumption that the young Israelites ate cows?

Mr. PAUL V. DANIEL (*Agastisvaram*): No. The Israelites never ate cows. That is what I say. Daniel went even a step further than the ordinary vegetarian. He did not even ask for ghee or buttermilk.

Mr. A. HOOGEWERF (*Nominated*): Will Mr. Daniel draw the line further away and eschew ghee and buttermilk also besides beef?

Mr. PAUL V. DANIEL (*Agastisvaram*): That is not in question here. I have been going through the history of the Israelites at the time when their property mainly consisted of cattle and sheep and I do not remember of any instance where they killed a cow for their food or offered it as sacrifice to their Jehovah. I therefore heartily support the resolution.

Mr. A. HOOGEWERF (*Nominated*): Then what did they kill for sacrifice?

Mr. PAUL V. DANIEL (*Agastisvaram*), They killed what you call a calf (இளங்கன்று).

Mr. A. HOOGEWERF (*Nominated*): Is it a male or a female one?

Mr. PAUL V. DANIEL (*Agastisvaram*): He-calf.

I therefore strongly support the motion brought forward by my friend Mr. A. Govinda Menon and I earnestly request that Government be pleased to pass the necessary legislation in the matter.

Mr. A. HOOGEWERF (*Nominated*): I find myself placed in a very difficult position. (*Laughter.*) It dawns upon me just now that I am a Christian and I find on my left side my friend, the mover of this motion, who is a Hindu, and on my right another old friend, Mr. Khadir Pillai, who is a Mahomedan. And the idea of the devil and the deep sea comes into my mind. (*Laughter.*) I ask this House to forget for a time that I am a Christian, while I am opposing this motion of Mr. Govinda Menon. He has brought forward three aspects of the question, the first economic, the second humanitarian, and the third religious. I shall begin with the economic aspect of the question.

That the slaughter of cows should be prohibited for the purpose of increasing our milk supply and the number of our cattle is what is urged. This prohibition assumes that milch cows and cows capable of calving are being slaughtered for the food of man and beasts of prey. As a matter of fact no cow yielding milk or capable of calving in the near future is ever slaughtered for the above purposes. No sane man will ever sell a cow yielding milk to a butcher, for it is impossible for him on account of the very low price of beef to offer a price sufficiently tempting to the owner to part with his milch cow. Then there is the cow which has ceased yielding milk. The owner may think that it may not become pregnant.

MR. PAUL V. DANIEL (*Agastisvaram*): May I ask a question?

PRESIDENT: Let him finish his sentence.

MR. A. HOOGEWERF (*Nominated*): As a rule, a cow gets its period of rut even during the course of milking and invariably within a month or two of its having ceased to yield milk, if it has not become barren.

MR. PAUL V. DANIEL (*Agastisvaram*): May I know whether cows are being killed only by persons who buy cows to dispose of their flesh and whether persons owning cows do not also slaughter them for their use?

MR. A. HOOGEWERF (*Nominated*): The very same argument applies there also. The cow that is taken to the slaughter house is invariably barren.

MR. T. LAKSHMANA PILLAI (*Nominated*): May I know how the barrenness of the cow is demonstrated?

MR. A. HOOGEWERF (*Nominated*): Just the same way as in the case of women.

MR. T. LAKSHMANA PILLAI (*Nominated*): How long should it be tried?

MR. A. HOOGEWERF (*Nominated*): The same as in the case of the barrenness of a woman. But the period is different.

The cow which goes to the slaughter-house is invariably a barren one or one that is incapable of calving at any future time. This is the general rule.

Then there is the question of the beef-eater who may not relish the flesh of lean or old cows; for this there are always available fat young oxen which are not wanted for breeding or other purposes, such as ploughing or drawing carts. Barren cows are fat and they are not always old. For the carnivora useless old bullocks are slaughtered.

Thus it is quite clear that the cows slaughtered are those which are incapable of adding to the milk supply, but, on the contrary, their removal serves a very useful purpose, *viz.*, reducing the dearth of fodder for the milch cows. It is admitted that the supply of fodder and the extent of pasture grounds are very limited and the difficulty of feeding the milch cows during the hot season is very great.

[Mr. A. Hoogewerf.]

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): On this principle we can advocate the shooting of barren women.

PRESIDENT: That is an argument.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I want to know whether Mr. Hoogewerf means by this analogy that all barren women may be done away with.

MR. A. HOOGEWERF (*Nominated*): I am extremely shocked to hear the question asked by Mr. Govinda Menon who places a woman with a soul on quite the same level as a barren cow.

In the towns and their suburbs there are no grazing grounds worth the name and no attempt is made to provide sufficient grazing grounds capable of supplying green fodder throughout the year for a sufficiently large number of cows required to meet the milk supply. The cows which we have now are not of very good milk-yielding breeds.

The slaughter of cows, which my friend wants to prohibit, preserves the milch cows by not depriving them of fodder, and one who seeks the aid of the law to prohibit such slaughter proposes a remedy which is worse than the disease. If all cows are allowed to live, the chances are that the milk supply may eventually disappear, for it is upon the good feeding of the milch cows that the enhancement of the milk supply mainly depends. It is incomprehensible to me how the slaughter of cows has been discovered by my friends to be the cause of the insufficient supply of milk when the actual causes are so obvious to all who have eyes to see.

I have a cow of my own which I purchased for Rs. 80—a fat and beautiful cow. (*Laughter.*) But now she has become barren. I want to dispose of her. I was offered Rs. 5. I do not wish to hand her over to the butcher. Now she is eating into my poor pension. (*Laughter.*) I have to spend four annas every day for her feeding I cannot get rid of her. She is a millstone round my neck as it were. (*Laughter.*) It is the supply of tinned milk from Europe which keeps up the supply of milk for our hospitals.

PRESIDENT: I must remind you that you have got only ten minutes and that you have exhausted your time.

MR. A. HOOGEWERF (*Nominated*): Mr. Govinda Menon referred to infant mortality. Mr. Govinda Menon has cut the ground under him by saying that bulls may be slaughtered. I shall quote what His Excellency the Viceroy said on this question in his reply to the deputation from the All India Cow Conference:

"I now come to the question of milk supply and the condition of milch cattle which we say is deplorable. The rise which has taken place in the price of milk is to be regretted, but there is no evidence that it is due to any deterioration in the quality or quantity of cattle. In point of fact, its price has simply risen in sympathy with that of other commodities, nor can I attribute the high infant mortality which unhappily prevails in this country to reduction in the number of milch cattle. High infant mortality is unfortunately not new in India, and I am in complete sympathy with your desire

to reduce it. It is one of the serious problems of India, but though deeply to be deplored, and while it is undoubtedly attributable in part to defective nutriment, its main causes are to be found in ignorance and the neglect of sanitation. Improvements in the milk supply depends first and foremost on better breeds of cattle.

You will be interested to learn that at the agricultural institute at Pusa cows have been bred which give an average out-turn of thirty-two pounds of milk a day. The goal which we should keep in view is, therefore, a breed of cow which will give the maximum annual yield of milk and the elimination of all animals whose outturn is barely worth their keep".

I shall now take up the religious aspect of the question. The cow is as dear to the Christian as it is to the Hindu. It was in a cow-shed that the Babe of Bethlehem was born. So we have respect for the cow, and if I can help it, I will with one stroke of the pen do away with cow-slaughter—not only cow-slaughter, but the slaughter of sheep, goats, bulls, pigs, etc. I shall next quote what His Excellency the Viceroy said on the religious aspect of the question:

"The slaughter of cattle and especially of cows is a subject bristling with difficulties, owing to its close connection with the religious belief and feelings of a large part of the population; but though I appreciate the motives which must have induced you to avoid a discussion of this aspect of the matter, it is impossible for me to refrain from some mention of it. The bitterness of religious differences has in modern times largely given way to broad-minded toleration, and I only ask that this spirit of toleration may be observed whenever the question of cattle-slaughter is discussed. Respect one another's religious beliefs, but while striving, as far as possible, not to offend against them, do not let any man try to force his own views upon other men and, from the economic point of view, let me ask you to credit with honesty of opinion those persons who tell you that India suffers perhaps not from the fewness, but from the multitude, of her cattle".

PRESIDENT: Your time is up.

MR. A. HOOGEWERF (*Nominated*): I just want two or three minutes to finish. With regard to ghee and milk, if ghee and milk which come from inside the cow can be used, why not cow's flesh also?

Now with regard to the humanitarian argument brought forward by Mr. Govinda Menon, he has cut the ground under him. Man implies woman also. But cow does not imply bull in this case.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask why Mr. Hoogewerf did not send his cow to the slaughter-house?

MR. A. HOOGEWERF (*Nominated*): Because it was with us for a long time and I have a sentiment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Would not my friend respect the sentiments of the non-Christians similarly?

MR. A. HOOGEWERF (*Nominated*): I said so. I am against cow-slaughter. Before the question of cow-killing is taken up, I may ask my friends on this side of the House to deal with the higher question of humanity. We should also protect the jutka ponies and bullocks which are kicked and thumped by their drivers and stop such cruelty by legislation.

[Mr. T. K. Velu Pillai.]

Mr. T. LAKSHMANA PILLAI (*Nominated*): Is there not the S. P. C. A. to attend to such matters?

PRESIDENT: That is hardly relevant. Mr. Hoogewerf, your time is up.

Mr. A. HOOGEWERF (*Nominated*): Before we go down to the animal kingdom, we have also to deal with humanity itself. What about the young Hindu widows, who lose all their liberty and are imprisoned in the house? The question of widow re-marriage should be taken up before we go down to the animal kingdom.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, Mr. Hoogewerf advises us that we should consider the question of widow re-marriage before we go to the question of legislation regarding cow protection. I must tell him in the very beginning that that question—

PRESIDENT: I do not think that that question arises here.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That argument of my friend provokes an answer.

PRESIDENT: I have already said that that does not arise.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not want to say anything about it in the light of the observation from the Chair. Anyhow there are the ideals for which certain communities stand and widowhood is an ideal so far as the Hindus are concerned. It is an ideal towards which they strive and which they cherish.

I am assured in favour of cows being protected; but when I learned from the mover of the resolution and one of the gentlemen who supported him that this piece of intended legislation is to cover cows merely and not bulls, I am disposed to think that we ought to have a more far-reaching measure, for the Indian Penal Code does not make any distinction between man and woman so far as offences and punishments are concerned.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): It does.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): There are a few instances—my friend is an astute lawyer—in which women are specially protected. In practice the criminal laws of most countries do not make any distinction between man and woman so far as punishments are concerned. If the cow is sacred according to the Hindu religion, the bull is equally sacred in India. Nandi is God Siva's *Vahanam*; and I am sure a Hindu will certainly hesitate before he sheds the blood of a bull. I want protection to be extended to the bulls which draw our carriages and are used for ploughing the fields from which we get our sustenance. If it is on humanitarian grounds that Mr. Govinda Menon has brought forward this resolution, I may go to the extent of saying that we ought not to

confine our attention to cows alone but extend the protection to bulls, sheep, and all manner of animals, whom a generous Providence has created. Killing an animal that roams in the forests, or invading the sea in order to catch fish, this also goes against humanity. If, therefore, Mr. Govinda Menon takes his stand on that platform, I may say that it should be looked upon only as a thin end of the wedge of benevolence. Our object should be to see that no creature which stands in the same relation to God Almighty as we stand should be killed. If it is a religious measure, it would not be before the Council.

If it is only on economic grounds that Mr. Govinda Menon has been supporting this resolution, before we go into the economic aspect, there are certain legal questions to be considered. The laws of man both in this country and in others recognise certain rights in the owner of property. If I pay my money and buy a cow or a bull or a horse or a dog, I have got a right of property over it. We have seen persons, very charitably disposed gentlemen, shooting down horses which are not serviceable. In the same manner, considered as a question of law, the man who pays for it has a right of ownership over that cow. That is a matter which complicates the question. If I am at liberty to kill my elephant or my horse or my dog, why I should not kill my cow alone, considered as a legal proposition, presents some difficulty. No doubt the sentiment of the community is the most important consideration that weighs with us. The Hindus have been accustomed to regard the cow with great veneration not only at the present day, but for centuries. They have been looking upon the cow as mother. I am glad to find that gentlemen in this House representing religions other than Hinduism take the same view of the veneration that is to be accorded to the cow-mother. But a difficulty will arise in this way. If a man has got a dozen cows and if five or six of them cease to calve, their maintenance, as has been pathetically pointed out by Mr. Hoogewerf, becomes a question of serious difficulty and the maintenance charges make tremendous inroads upon the resources of the owner. In our country there are no organisations to protect cows which are useless. There are no *Pinjrapoles.* A man who is moved by good impulses towards his cows will have to utilise what little money remains in his hand and he may be left without money for the service of his family. That will be a difficulty. This question has been discussed in some manner that religious prejudices may be evoked. It is not because that the majority of the people in Travancore are Hindus that cows should be protected. Travancore has always stood for religious neutrality. Travancoreans wants the religion not only of the Hindus but they want the religion of the Christians and the Mahomedans and people of all shades of faith to be freely enjoyed by their respective followers. So that even questions of religious consideration with respect to Christians and Mahomedans are tolerated.

Because the Hindu religion prohibits cow-killing, I do not think the State will be justified, especially in view of the religious toleration in Travancore, in prohibiting the followers of other religions from enjoying their legal rights of ownership in cows, when they have been

[Mr. V. Subba Aiyar.]

exercising that right for so many years in the past, perhaps for hundreds of years. My suggestion, therefore, is to keep the religious question entirely in the background, to forget it in fact for the time being as pointed out by Mr. Hoogewerf, and to look into the broad economic aspect of the question. The mover of the resolution pointed out that even the Mahomedan rulers elsewhere have been so generous as to come to the rescue of the poor cow. I may say that, in this land of religious neutrality and toleration, where the communities do not fight each other on these disputes, especially considering the fact that even people of other persuasions are prepared to support this resolution, I am prepared to accept it as the thin end of the wedge, keeping in view the broader aspect of the future policy of the prevention of slaughter of cows, bulls, goat and sheep. Whatever may be the rights of owners over their property in Travancore where the economic and agricultural needs for cows have been conceded by all subjects of His Highness the Maha Raja, I support the resolution on the broader and more generous basis.

MR. A. HOOGEWERF (*Nominated*): I wish to ask Mr. T. K. Velu Pillai, before he sits down, as to what will happen in 30 or 50 years, if all these animals are not slaughtered. I mean the tiger and the lion and all other animals. Will they not eat us all up? The tiger will come to the town; the pigs may destroy all the crops.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That seems to be a hypothetical question. Moreover, I am not here under cross-examination. The answer is obvious.

PRESIDENT: You may or may not answer the question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, Government are in full sympathy with the sentiments underlying the motion. But the difficulty is to give practical effect to it, especially because the mover of the resolution has advanced three grounds, *viz.*, the religious, the economic and the humanitarian aspects of the question, to every one of which there seems to be an answer, and I believe an effective answer too, furnished by the speeches of Messrs. Hoogewerf and T. K. Velu Pillai. I do not think it necessary to advance any new argument except by asking the House to view both sides of the case and judge whether it will be practical politics for Government to undertake such a piece of legislation at this stage. In the first place, Mr. A. Govinda Menon—

MR. T. LAKSHMANA PILLAI (*Nominated*): I wish to ask Mr. Subba Aiyar how the Government have been able to undertake such legislation in other States.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that.

With reference to the humanitarian aspect of the question, as observed by Mr. T. K. Velu Pillai, why should the cow alone be protected?

why not seek to protect the bull or the sheep or the goat? So far as that matter is concerned, it is more a matter for education than for legislation. I daresay Mr. Lakshmana Pillai and his co-workers are trying very hard to put an end to the slaughter of all animals, and when their preaching becomes effective and people are educated, slaughter, as such, I believe, will be put an end to. Apart from that, on that particular aspect, it is not possible to legislate, because protection in that case need not be limited to the cow alone.

Then, with regard to the religious point of view, although the Hindu regards it as a very sacred animal, other religionists do not regard it as such. As Mr. Velu Pillai observed, the State has to observe religious neutrality in all matters. For the sake of a particular religion, to ask other religionists who have no scruples on the question of slaughter, not to slaughter, I say, will be rather hard. Mr. Govinda Menon has pointed out that 70 per cent. of the population are Hindus and they do not slaughter cows, that, therefore, so far as they are concerned they will have no objection, and that the Christians that he knew do not eat meat. So also some of his Mahomedan friends. If that is so, and if the Hindus, Christians and Mahomedans all agree to pay regard to the sentiments of the Hindus in refraining from the slaughter of cows, then, I say, it is a matter for mutual arrangement to see that one religionist sympathises and respects the sentiments and feelings of the others, rather than for statutory prohibition and legislative interference on the part of the State.

Coming to the economic aspect of the question, I was listening very carefully to the speech of Mr. Govinda Menon and I thought that he would make out a case as to the necessity for such legislation, because the first thing that is essential before legislation is undertaken in any matter is the proof of the *necessity* for it. He has not said anything about the necessity therefor. He has said that there has been a considerable deterioration in the growth of cows. We do not know whether it is due to their slaughter. Whether the cow has deteriorated, whether the number of cows has diminished, and if so, whether that decrease is due to slaughter, all these have to be ascertained before we can do anything in the matter.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I ask whether the Government have any statistics on the matter?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No; unfortunately we have not been collecting any statistics about that.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know the number of cows slaughtered annually in the State?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No information is available on that subject either.

MR. A. GOVINDA MENON (*Alangad cum Parur*). As a point of personal explanation, I may say that I advanced, as *one* of the causes of the deterioration of the cows, the fact of their indiscriminate slaughter

[Mr. V. Subba Aiyar.]

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am trying to meet that argument also.

Mr. A. HOOGEWERF (*Nominated*): I wish to know whether the ancient Greeks and the Hindus were akin?

PRESIDENT: It is a question of ethnology.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not an ethnologist. I do not profess to be an expert in that matter.

Mr. A. HOOGEWERF (*Nominated*)): Were not the Greeks cow-killers?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know ancient history. I think Professor Rangaswami Aiyangar will be able to answer that question.

As for the causes of the deterioration of, and decrease in, the number of cows, I will rather leave it to Dr. Kunjan Pillai to explain them. Whether that is due to the climatic conditions of Travancore or whether good cows can thrive well in Travancore, are matters which can better be left to Dr. Kunjan Pillai to answer.

Mr. A. GOVINDA MENON (*Alangad* cum *Parur*): Is Mr. Subba Aiyar aware that the Economic Development Board has considered the question and passed a resolution on the subject?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that. With reference to the economic aspect of the case, arguments were advanced by Mr. Govinda Menon showing the necessity for protecting cows. It was also stated clearly by Messrs. Hoogewerf and T. K. Velu Pillai that, as the population increased, every area that had been used as a grazring gound was being taken up for cultivation. Since it will be absolutely necessary to maintain milch cows, I think it will be rather difficult for a person to maintain barren cows along with the others. Mr. Hoogewerf says that one of his barren cows is eating away a considerable portion of his pension. That, I say, is not a matter entirely to be ignored. While it is necessary to maintain milch cows it is equally necessary not to throw any additional burden upon any poor person of maintaining cows which are absolutely useless. Now, if we cannot dispose of them, the only thing to be done is to let them loose and they will be standing or lying in the streets or eat others' crops and get themselves impounded, in which case we have to recommend only a course of starvation for these cows.

Mr. T. LAKSHMANA PILLAI (*Nominated*): Are there not sufficient vacant grounds everywhere?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In places which are near the forests there might be grazing grounds; but in towns and places around towns, I do not think we can get much

vacant space. Therefore cows that have been let loose will only be disposed to eat away other people's crops or to trespass into other people's gardens and do mischief there.

MR. T. LAKSHMANA PILLAI (*Nominated*): Is it not possible to leave them in forest reserves?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Of course, there is a provision for grazing cattle outside forest reserves on a small payment, but that provision does not seem to be extensively taken advantage of.

MR. A. HOOGEWERF (*Nominated*): If my cow trespasses into my neighbour's garden planted with gram, am I not liable to be prosecuted?

PRESIDENT: That is exactly what Mr. Subba Aiyar is saying.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Cows let loose are liable to do mischief and therefore I say that it will be rather too hard for a poor person to maintain useless cows, and it will also not be desirable let to them loose. Therefore, even from the economic point of view, I do not think that Mr. Govinda Menon is quite correct.

Then again, Mr. Govinda Menon stated that, in some Municipalities, this was being been done; and it is there that I am trying to attack him and attack him personally, because he is himself the President of a Municipality.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to a point of order. The Law Member said that he was going to attack Mr. Govinda Menon *personally*. According to the rules, I do not think he can do so.

PRESIDENT: In saying so, certainly Mr. Subba Aiyar did not mean to say that he was going to abuse Mr. Govinda Menon.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said so, because Mr. Govinda Menon is the President of a Municipal Council, and if he was against cow-killing, he might have passed a resolution in the Parur Municipal Council that the flesh of animals slaughtered outside could be brought within the municipal limits only with the permission of the Council. The Council has the liberty to make bye-laws to that effect.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I inform the Law Member that such a bye-law has been passed by the Municipal Council, Parur?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I was not aware of it. Under section 244 of the Municipal Regulation, the Municipal Councils can pass bye-laws to regulate the slaughter of animals. I say that if the municipality has taken the trouble to regulate the slaughter of animals, then certainly it could restrict indiscriminate slaughter considerably. If he had done so, I would have

[President.]

expected statistics from him as to how, in spite of the bye-law, a large number of cows are slaughtered in his own municipality, and then he would have been in a position to show that the intervention of Government in the matter is absolutely necessary. There are also representatives of other municipalities here. In the first place, Municipal Councils may try; and if the bye-laws made by them are not effective, then it may be a question to be placed before the Government and their being asked to interfere in the matter.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know whether, if a municipality sends up such a bye-law, the Government are prepared to sanction it? It can become law only after it is sanctioned by the Government. Are the Government prepared to approve such bye-laws if they are sent up?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Government may approve of them if they are strictly within the provisions of the Municipal Regulation. The municipality must not indiscriminately prohibit the slaughter of *all* animals. Such things will have to be considered.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am now confining my question to the case of cow-slaughter. Supposing cow-slaughter is prohibited by a municipality and the bye-law is sent up to the Government for sanction. Are the Government prepared to sanction it?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I rise to a point of order. I do not know if the Deputy President is justified in putting such a question. Under the rules, questions can be asked only for information and not on matters of policy or on hypothetical cases.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think, Sir, the fact that I am Deputy President does not take away from me the privilege that every member has of putting questions.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): That is not it, Sir. I referred to him as Deputy President only by way of courtesy.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): In order to help the members of this Council to make up their mind at the time of voting, I wanted to know whether the Government, as a matter of policy, are opposed to permitting municipalities to pass bye-laws prohibiting slaughter of cows.

PRESIDENT: It is a question which is very difficult to answer on the spur of the moment. It is a matter requiring very careful consideration. What Mr. Subba Aiyar said was that the question deserved to be considered when it came up before the Government after consideration by Municipalities.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I only said that some check or control might be had over indiscriminate slaughter of cows. Mr. Hoogewerf says that, from the economic point of view, the maintenance of useless cows is undesirable. That aspect of the question has to be considered. I believe the Municipal Councils are certainly in a position to render very good protection to the cows. At any rate, they can collect statistics as to the number and class of cows slaughtered and see whether any restriction could or could not be placed by virtue of the powers already vested in the municipal council.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether Mr. Subba Aiyar is aware that the provision in the Municipal Regulation in regard to the slaughter of animals extends only so far as the health and safety of the public are concerned.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): "Public safety, health, and convenience"—I think, these are the words used there. Even taking that wording into consideration, I think the slaughter of cows considerably affects the 'convenience' of the public. Anyhow, that is a question that has to be examined. To my mind, so far as the Municipal Regulation is concerned, the provisions here are practically the same as elsewhere; and therefore Mr. Govinda Menon who cited the cases of Municipalities elsewhere might have tried to restrict cow-slaughter considerably at least within the limits of the jurisdiction of the Municipality at Parur before he brought it to this Council. My point was that, while there seems to be a provision in our Municipal laws, that provision seems not to have been taken advantage of.

MR. JOSEPH PANJIKARAN (*Shertallai*): Under the existing provisions, can the Municipalities prohibit the killing of cows?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): They may pass bye-laws. They may impose a condition that only persons who have obtained licenses from Municipalities could slaughter cows. If you cannot prohibit, you may at least regulate the slaughter. You may say that only a particular class of cows could be slaughtered. I only suggest that.

PRESIDENT: Your time is up.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): One other point was mentioned by Mr. T. K. Velu Pillai about *Pinjrapoles*. Of course such charitable institutions are very desirable and I think they should be provided by persons who are charitably disposed. I think we will have to try to restrict and regulate the slaughter of cows as far as we can, before we proceed to legislate and before we request the Government to interfere in the matter and spend the money of the general tax-payer for that purpose. That is all that I have to say at present. Therefore, my point is that, in the absence of statistics, no necessity for legislation can be made out, and that we cannot ask the Government to interfere in the matter and legislate, especially when we are not in a position to know the varying religious sentiments of the various communities and religionists in the State.

[Mr. A. Hoogewerf.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I also beg to support the resolution. Certain reasons have been advanced by the mover of the resolution, and my friend Mr. Subba Aiyar thought that he would controvert them. First, he observed that no necessity had been made out for legislation upon the subject; that is to say, that for the protection of cows Mr. Govinda Menon had not made out a case, and that there was no necessity for this particular resolution. May I draw the attention of Mr. Subba Aiyar to the entire extinction of a species of cow that we had in Travancore by name Vechur cow which was a much—reputed variety of cows? So far as the Vechur cows are concerned, they have ceased to exist as a species.

Further, to make out by reference to statistics the necessity for the resolution, Mr. Subba Aiyar himself admits that statistics are not available on the subject. It is not the fault of Mr. Govinda Menon when he finds himself absolutely unable to refer to the statistics on the subject. I do not think Mr. Govinda Menon can be expected to manufacture statistics for purposes of reference on this resolution.

I would draw the attention of the House to one other fact.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether the extinction of the Vechur cow is due to butchery.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Certainly, to a considerable extent.

MR. A. HOOGEWERF (*Nominated*): The Vechur cows are very small. They yield a good deal of milk; but they are not fit for slaughter.

I do not think it would be profitable if the butcher purchased Vechur cows.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They were very dainty, they say. (*Laughter.*)

In this connection, another fact may also be pointed out. Some ten or twenty years ago, cows used to cost only Rs. 10 or 12 each. Now, on account of the scarcity of cows, their price has gone up considerably. Therefore, it is a very clear indication of the fact that the number of cows is steadily going down. So, *prima facie* it clearly admits of being talked about.

Mr. Subba Aiyar raised further the question as to how it should be given effect to practically.

PRESIDENT: Mr. Hoogewerf wants to ask a question.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether Mr. P. K. Narayana Pillai will tell us what will be the price of a Vechur cow now.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is now extinct like the dodo. (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): What would have been the price before it was extinct?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Say, Rs. 40 or 50 per cow.

Mr. A. HOOGEWERF (*Nominated*): Will it be worth while for the butcher to go in for these small cows at such a high price?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): They say it is a very delicious dish. Mr. Subba Aiyar said that it was extremely difficult to give effect to the resolution in practice. He also referred to the religious aspect of the question and said that it was doubtful whether, if this resolution was carried, we would not be restricting the rights of other religionists. We have had the opinion of some of our Christian friends including Mr. Hoogewerf who say that they have absolutely no objection the protection of cows and my fried Mr. Daniel also quoted the Bible in support of the position.

Mr. A. HOOGEWERF (*Nominated*): I did not understand what he said about me.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I said "including Mr. Hoogewerf."

Mr. A. HOOGEWERF (*Nominated*): I want to know what he said about me.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does he want the meaning of the expression "included"?

PRESIDENT: He says he was not able to hear you.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am sorry. I said that some of our Christian friends including Mr. Hoogewerf had absolutely no objection to cows being encouraged to live on without being butchered.

Mr. A. HOOGEWERF (*Nominated*): I said there was the economic objection.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I shall come to that. As far as I am able to gather from Mr. Hoogewerf's speech, I think he is very sympathetically inclined towards the cow. With respect to the religious question, therefore, there is practically unanimity in this House, and no religion wants to slaughter the cow. Now, Sir, may I point out that the Hindu religion, or for that matter, any other religion does not require the slaughter of cows? Then in discussing this resolution, as well as in his general relations to other creations, the Hindu must take into consideration not only mankind but also the lower creation and probably even vegetables. The Hindu has been considering the cow as holy from the days of the Rig Veda. The Hindu has been mindful of the importance and usefulness of the cow and he was always fondling it. Therefore, Hindus are inclined very sympathetically towards the cow. In that sympathetic spirit, may I ask the other religionists and brethren belonging to other communities and religions whether there is anything in their faith requiring them to disagree with the mild Hindu? So much on the point of religion.

[President.]

Mr. Subba Aiyar said that it has been the tradition of Travancore to tolerate all religions. But I may point out that, so far as the Travancore Penal Code is concerned, we have gone a step further than British India and have exempted the Brahmin and women from capital punishment. Exemption of women from capital punishment the Hindu religion considers humane. As the present motion is only a humane measure, I am sure it will appeal to most of the members of this House. Because this exemption has been legalised in a Hindu State professing orthodox Hindu religion, it does not necessarily mean that it is a retrograde step and not in keeping with civilization. All the communities in the State are prepared to accept this measure of protecting the cow as a very useful animal. Therefore I think the State need not feel any doubt upon the subject of legislating.

Mr. A. HOOGEWERF (*Nominated*): Sir, will we not be trenching upon the social customs and usages of other religions?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Coming to the eneconomic side of the question—

PRESIDENT: Mr. Hoogewerf has put a question.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I did not hear him.

Mr. A. HOOGEWERF (*Nominated*): By legislation will we not trench upon the social customs and usages of other communities, *e. g.*, Christians, Mahomedans, *etc.*, *etc.*?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to the question only a part can be answered, because *etc.*, *etc.*, cannot be answered. (*Laughter.*)

PRESIDENT: He does not want you to answer *et ceteras*.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): The answer to the part *minus* the *et ceteras* is to the effect that it is not trenching upon anybody's customs and usages and religious beliefs. The observations of some of the non-Hindu members will show that they are extremely in sympathy with the resolution before the House.

Mr. A. HOOGEWERF (*Nominated*): I am not in sympathy with the proposal at all.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to the economic grounds, Mr. Subba Aiyar paraded some arguments. Mr. Hoogewerf raised the question whether, if the animals were allowed to multiply, men themselves would not ultimately have to go to the wall.

PRESIDENT: Your time is up.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am just closing. Mr. Hoogewerf raised the question whether, if tigers are allowed to multiply—

MR. A. HOOGEWERF (*Nominated*): Not tigers alone, bulls and all sorts of animals.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): He said various things. I take the particular instance of tigers. The Hindu religion does not say that no killing shall be done by any person. If for the purpose of saving life the slaughter of anything is absolutely necessary, the Hindu religion wants that lives should be saved even at the sacrifice of the lives of other animals. It is not only an aggressive action in the case of slaughter of tigers, *etc.*; certainly for the purpose of safety of human life the multiplication of wild animals in the world should be put a stop to. It does not therefore necessarily follow that a cow does not stand in need of protection. Mr. Subba Aiyar has been putting forward—

MR. A. HOOGEWERF (*Nominated*): I like him to deal with all animals.

PRESIDENT: You cannot ask him to deal with this or that.

MR. A. HOOGEWERF (*Nominated*): Will not the animals, if allowed to multiply unchecked, overrun our fields?

PRESIDENT: You are putting a hypothetical question.

MR. A. HOOGEWERF (*Nominated*): Would Mr. Narayana Pillai tell us what will become if pigs are allowed to breed and multiply?

PRESIDENT: That is a hypothetical question. Mr. Narayana Pillai, your time is up.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With these observations, so far as Mr. Subba Aiyar is concerned, he has been striving to prove that the resolution cannot be accepted. I beg to differ from him and I have great pleasure in supporting this resolution heartily.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, I rise to support the resolution against cow-killing for the following reasons.

The supply of good cow's milk has become a rarity in this State and the price of milk has gone abnormally high. The people are suffering sorely on this account. Any one who has been to Pandi or anywhere else in British India cannot fail to be struck with the vast difference that there is in the quantity, quality and price of cow's milk available in both these localities. I am pretty sure that cow-slaughter is in a great measure responsible for this sad state of matters over here. Most of the people of Travancore, though they may take some meat and some fish by way of food, are practically vegetarians, when compared with the people of Europe, and cow's milk is an indispensable article of a vegetarian's dietary. The people, especially those with limited means, find it impossible to supply themselves and their family with the quantity of good milk indispensable for their sustenance, health and strength.

[Mr. T. Lakshmana Pillai.]

For want of cow's milk, people are suffering from great nervous prostration. In times of stress, and during the prevalence of epidemic diseases, such as cholera and small-pox, it becomes evident—and people find out only then—that they do not possess the nervous energy necessary to withstand the disease and also, when attacked by them, the energy necessary to support their lives during their pendency. The result is an abnormal increase in the death-rate. No external medication or remedy is sufficient to tide over these fundamental conditions. It is highly necessary that the evil must be traced to and eradicated at its very root: that is, people must be helped to stock themselves with sufficient nerve-power by a plentiful supply of cow's milk to be sold at moderate prices. The stopping of cow-slaughter would directly conduce to this result. If the matter has not been investigated by the Government as yet, I submit that it is of the utmost importance to do so early for the reasons stated above, with a view to a speedy solution of the present problem.

Some think that it is only the economic side of the question that should be taken into consideration by the Government, as if the authorities could not be humane as well as just. If so, there is no reason why the Government should encourage such a body as the S. P. C. A. It is evident, therefore, that we may appeal to the humanitarian side of Government also, especially the Government of a Hindu State of high traditions, ruled over by a Hindu Sovereign. It is well known that such an enactment as the one now asked for has been actually passed by some of the other Hindu States in India. I do not see why our benign Government which has gone so far as to countenance and encourage the S. P. C. A., should not go a step further and enact a law for the prohibition of cow-slaughter. Thus, it may be reasonably asked that those creatures of God which perform the function of the mother to us by giving us the milk out of their very bodies, and therefore held sacred by the Hindus, should be specially protected from slaughter.

Mr. A. HOOGEWERF (*Nominated*): May I know from Mr. Lakshmana Pillai whether it is humanitarian to deprive the poor calf of the mother's milk and drink it yourself?

Mr. T. LAKSHMANA PILLAI (*Nominated*): It is only a question of degree. I do not think it amounts to cruelty if we give sufficient milk to the calf and take the remainder for ourselves. It may reasonably be contended that, as they perform the function of a mother and are also held sacred by the Hindus, they require protection. This is neither superstition nor unreasonable sentiment. I am, of course, aware that there are those who, by the force of custom or immemorial habit, may not agree with this view, and may hold that cow's flesh may be freely eaten. These people, however, only form the minority. The question then is, is it not possible to have recourse to such flesh otherwise than by the slaughter of cows within the State as by the transport of beef from Australia? I believe it is possible, and therefore the prohibition of cow-slaughter within the State will not prejudicially affect them.

MR. A. HOOGEWERF (*Nominated*): What about the animals in the Public Gardens?

MR. T. LAKSHMANA PILLAI (*Nominated*): That is another matter. I think protection is being given in British India. As was pointed out in Bombay, the abnormally high rate of infant mortality is due to the slaughter of cows. So the slaughter of cows has been asked to be prohibited there. In any case, when the welfare and the good feeling of the majority of the people is vitally at stake, it may not be difficult for the minority to put up with a small inconvenience.

To the question as to what should be done with barren cows that are likely to become a burden on their owners, I would say, leave them to nature, and do not slaughter them. We do not slaughter barren women, and there is no more valid reason why you should destroy barren cows. The world is wide enough for their existence, and fertile enough for their sustenance.

Lastly, I do not think it is so easy to determine which is a barren cow, as some cows which originally appeared barren have, as the effect of a change of environment, become productive.

I do not see the force of the statement that, because we do not take up the question of stopping the slaughter of other animals, we should not take up the question of stopping cow-slaughter, seeing as I do that both the economic and humanitarian view-points strongly co-exist in the case of cows, and not with equal force in the case of the other animals. The question in the case of the other animals is mainly a humanitarian one.

To the observation that cows, if not killed, would increase and cause trouble to man, I have to put the question whether horses or donkeys overrun the earth and cause trouble to man, because a portion of them are not killed. As to the statement that the owner of a cow is at liberty to kill it or deal with it as he likes, this liberty I am quite prepared to concede, provided the slaughter is committed only in his own house and not in a public place, and provided the Government are not going to countenance it, as they do the public slaughter of cows now.

With these observations, I strongly support the resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to move for a closure.

MR. JOSEPH PANJIKARAN (*Shertallai*): I second it.

The motion for closure was put and lost.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു. ഗോവധം നിറുത്തുക എന്നുള്ളകാര്യം തിരുവിതാംകൂർ രാജ്യത്തിന്റെ ഇപ്പോഴത്തെ നിലയ്ക്കു് ഏതുവിധവും അത്യാവശ്യമായിരിക്കുന്നു എന്നാണു എനിക്കാദ്യമായി പറയാനുള്ളതു്. പാലിന്റെ ക്ഷാമം ആലോചിച്ചു നോക്കിയാൽ വളരെ സങ്കടം തോന്നുന്നതാണു്. ഇപ്പോൾ തിരുവനന്തപുരം ജനറൽ ആശുപത്രിയിൽ കിടക്കു

[Mr. K. C. Mammen Mappillai]

ന്ന രോഗികൾ ഒക്കെ അന്യദിക്കിലുള്ള തകരപ്പാലാണ് കുടിച്ചുവരുന്നത്. ഇതിന്റെ കാരണം നമ്മുടെ നാട്ടിലുള്ള പശുക്കളുടെ കുറവാണ്. ഇഹലോകത്തേക്കും പരലോകത്തേക്കും ഒന്നുപോലെ ഗുണമായിട്ടുള്ള കാര്യമാണ് ഗോവധം നിറുത്തുന്നത്. കൃഷിയാവശ്യങ്ങൾക്ക് കാള കിട്ടാതെ അനേകം കൃഷിക്കാർ കഷ്ടപ്പെടുന്നുണ്ട്. കൃത്രിമവളം ഉപയോഗിക്കാൻ എല്ലാവർക്കും ശക്തി ഉണ്ടായിരിക്കുന്നതല്ല. അഥവാ ഉണ്ടായാൽ തന്നെയും ഉൾനാട്ടിലുള്ളവർക്ക് അവയെ കൃഷിസ്ഥലങ്ങളിൽ കൊണ്ടുപോകുകയെന്നുള്ളതു വിഷമമാണ്. അവിടങ്ങളിൽ കന്നുകാലിവളവും പച്ചിലവളവും മാത്രമേ ഉപയോഗിച്ചുവരുന്നുള്ളൂ. അതു പശുക്കളിൽ നിന്നുമാത്രമേ കിട്ടാനും തരമുള്ളൂ. (ഞാൻ കാളയെക്കുറിച്ചാണ് പറയുന്നത്.) തിരുവിതാംകൂറിൽ കൃഷിക്കാരുടെ ആവശ്യത്തിനു വേണ്ട കന്നുകാലികളുടെ മൂന്നിൽ ഒരു ഭാഗംമാത്രമേയുള്ളൂ എന്നു സർക്കാർ പ്രസിദ്ധീകരണംകൊണ്ടു ബോദ്ധ്യപ്പെടുന്നുണ്ട്. കന്നുകാലികൾ ഇല്ലാതെ കൃഷിചെയ്യാൻ സാധിക്കയില്ല. കൃഷിയുടെ അഭിവൃദ്ധിയിലാണു ജനങ്ങളുടെ കാലക്ഷേപമാർഗ്ഗം സ്ഥിതിചെയ്യുന്നത്. നമ്മുടെ സമുദായാചാരപ്രകാരം നോക്കുകയാണെങ്കിലും ഗോവധം വളരെ കഷ്ടമായിട്ടുള്ളതാണ്. പശുവിൽനിന്നു ലഭിക്കുന്ന പാൽ, തയിർ, നെയ്യ്, ചാണകം, മൂത്രം, ഇവ വളരെ ആവശ്യമുള്ളതും വളരെ ശുദ്ധമാണെന്നു ജനങ്ങൾ കരുതിവരുന്നതുമാണ്. ദേവന്മാർക്ക് അഭിഷേകത്തിനു പഞ്ചഗവ്യം ഉപയോഗിച്ചുവരുന്നു. അതിൽ എന്തൊ ഒരുവസ്തും വന്നതായിരിക്കും (ഷഡ്ഗവ്യം) അതിന്റെ മാംസത്തെ കൂടി ഉൾപ്പെടുത്തിയിരിക്കുന്നത്. സസ്യങ്ങൾക്കുള്ളപോലെ മാംസങ്ങൾക്ക് ഗുണശക്തിയില്ലെന്ന് അനേകം ഡാക്ടറന്മാർ അഭിപ്രായപ്പെട്ടിരിക്കുന്നു. ഈ മാംസഭക്ഷണമില്ലാതെ തന്നെ മനുഷ്യർ ധാരാളം ജീവിക്കാവുന്നതുമാണ്. വിശിഷ്യ ഈ തിരുവിതാംകൂറിലെ സ്ഥിതിയെപ്പറ്റി ആലോചിച്ചു നോക്കുമ്പോൾ മററു ദിക്കുകാരെക്കാൾ ഇവിടത്തുകാർക്കു ചില പ്രത്യേകതയുമുണ്ടു. ഘലഘോററംചെയ്താലും ബ്രാഹ്മണരേയും സ്ത്രീകളേയും ശിക്ഷിക്കൊല്ലാൻ പാടില്ലെന്നു ചട്ടമുണ്ടു. അതുപോലെ ഈ വിഷയത്തിലും ഒരു ചട്ടമുണ്ടായിരിക്കുന്നതു ന്യായരഹിതമായിരിക്കയില്ല.

ഇത്രയും കാരണങ്ങളെ ആലോചിച്ചു തിരുവിതാംകൂറിൽ ഈ ഒരു കാര്യം വേഗത്തിൽ നടപ്പാക്കേണ്ടതു് അത്യാവശ്യമാകയാൽ ഞാൻ ഈ പ്രമേയത്തോടു വളരെ യോജിച്ചുകൊള്ളുന്നു.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, the chief reason for pressing this motion upon this

House, it seems to me, is that it is a very cruel act to slaughter animals. Logically, the only ground on which—

Mr. M. K. KHADIR PILLAI (*Nominated*) : Louder, please.

Mr. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): it can be enforced upon the House is that cruelty is involved in the slaughter of cows. If I am right in that surmise I think we ought to go further and protect not only cows but sheep, goats, poisonous snakes and lions and all other sentient animals. We know there are people who are very particular that no kind of animals should be slaughtered; they do not make any exception. If that is so, I can well understand the position. With regard to the subject of repugnance to the slaughter of cows, I think it is very greatly due to sentiment; it is the growth of local customs and considerations. But we know that sentiments are often changing. What is considered to be repulsive in certain countries by certain people at certain times are not objected to in other countries and at other times. The slaughter of cows for example is regarded with repugnance by the Hindu community on religious grounds. But I know a great majority of Christians, whose religion, so far as I know, does not prohibit the killing of cows, look upon such slaughter with extreme repugnance. I further know that with the growth of rationalism there are a considerable number of people whose sentiment is undergoing a rapid change. Therefore it is I say that the strength of the demand for the prohibition of slaughter of cows rests more upon sentiment than upon anything else.

Mr. P. K NARAYANA PILLAI (*Amlalapuzha*): On what does the prohibition against manslaughter rest?

Mr. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): It depends upon self-interest. Man has the power to insist that he shall not be slaughtered.

Mr. JOSEPH PANJIKARAN (*Shertallai*): Infants and babies have no such power. Why could they not be slaughtered then?

Mr. K. C. MAMMEN MAPPILLAI (*Commerce and Industries North*): Because man loves his own babies. I have yet to learn that the objection of men to the slaughter of their fellowmen is equally applicable to the slaughter of lower animals. Logically we ought not to stop with prohibiting the killing of all sentient beings. We have got Professor Bose who has proved that not only animals but also plants have the same feelings of pain and pleasure that sentient beings have. The time may therefore come when the growth of consideration for the sufferings of sentient beings may be extended even to living plants.

With regard to the economic aspect, I am not at all sure that scarcity of milk is due to the slaughter of cows. People who know the habits and customs of the country are very well aware that milch cows are not at all slaughtered. It is only the barren cows that are being slaughtered and cows slaughtered form only a microscopic minority of the total number of cows in existence. The slaughter of these cows cannot at all account for the scarcity of milk. It is more due to the

[Mr. Tariatu Kunjitomman.]

unscientific way of rearing cows and the indifferent feeding arrangements in vogue.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, may I know from the member how many cows are being slaughtered ?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I am not aware. Again it is economically unsound to kill a milch cow. A milch cow may fetch anything between Rs.20 and Rs. 150; a butcher will not at all find it worth while to buy and slaughter a milch cow on such a high price. That being the case, it is not at all reasonable for us to argue that milch cows are being slaughtered in any large numbers. The slaughter of cows, I am positive, is not one of the reasons for the scarcity of milk in the country. In this connection, I recall a lecture delivered years ago by Dr. Giffard, late Surgeon General to the Government of Madras. He said that if medical science went on making such rapid strides of advance as it has been doing recently, there might come a time when diseases might be completely abolished and man might go on living for such a length of time that it might become a serious problem as to how to dispose of our ancestors. Similarly, if we protect all kinds of animals, the prospect is not at all very attractive. I have often thought that it would be more merciful to slaughter some of the old cows which have long passed their period of service. Owing to sentimental considerations, I find that people are not at all prepared to sell them to the butchers. In such cases, persons like Mr. Hoogewerf have their pension for maintaining such cows. There are other people who have not even a pension to fall back upon, but who retain such cows on starvation rations as an eyesore to all passers-by.

In western countries like America and England, there is no such prohibition. Even then there is no scarcity of milk there.

MR. T. LAKSHMANA PILLAI (*Nominated*): My I know whether there is any other reason why the price of milk has gone up?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I think the scarcity of milk is a sufficient reason. Laws of supply and demand are sufficiently powerful influences for the regulation of prices. I find that, among the arguments trotted out in support of the motion, there is a good deal of sentimental cant. I regret that, on a careful consideration of all circumstances, I feel bound to oppose this motion.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): മനുഷ്യർ ജന്തുക്കളെ ഒന്നിനെയുംതന്നെ ഹിംസിക്കാതിരിക്കുന്നപക്ഷം അതു അധികം നല്ലതാണെന്നാണ് എന്റെ പക്ഷം. എന്നാൽ ഭൂരിപക്ഷം മനുഷ്യരും ജന്തുക്കളെ ഹിംസിക്കുന്നവരാണ്. അതുകൊണ്ടു ഗവർൺമെൻറിൽ നിന്നു ഭൂരിപക്ഷത്തിന്റെ ഹിതത്തിനു വിപരീതമായി ഹിംസിക്കാൻ

പാടില്ല എന്ന് ഒരുനിയമം ഏപ്പെടുത്തുന്നതു നന്നായിരിക്കയില്ല. ജീവ കാരുണ്യത്തെ മാത്രം വിചാരിച്ചാണെങ്കിൽ എല്ലാ ജന്തുക്കളേയും ഉൾപ്പെടുത്തേണ്ടതാണ്. ഹിന്ദുമതസംബന്ധമായി നോക്കുമ്പോൾ ഗോവധം നിഷിദ്ധമാണ്. എന്നാൽ ക്രിസ്തുമതപ്രകാരവും മഹമ്മദുമതപ്രകാരവും അതു നിഷിദ്ധമല്ല. ക്രിസ്ത്യാനികളും മഹമ്മദിയരും ഇങ്ങനെ ചെയ്യുന്നതുകൊണ്ടുഹിന്ദു മതക്കാരായ സഹോദരങ്ങൾക്കു പാപമുണ്ടെന്ന് അവർ വിചാരിക്കുന്നെങ്കിൽ അവരുടെ സമാധാനത്തിനുവേണ്ടി ഈ പ്രമേയം പാസാക്കുന്നതിൽ ഞാൻ അനുകൂലിയാണ. എന്തെന്നാൽ കൃസ്തുമതപ്രകാരവും മഹമ്മദുമതപ്രകാരവും ഗോവധം ചെയ്യണമെന്നു നിർബന്ധമില്ല. ഹിന്ദുക്കൾ മാത്രം അനുഷ്ഠിച്ചാൽ മതി. മററുള്ളവരെ നിർബന്ധിച്ചു നിയമത്താൽ ബന്ധിക്കേണ്ട എന്നാണ് ഹിന്ദുമതത്തിലെ തത്വമെങ്കിൽ ഇങ്ങനെ ഒരു പ്രമേയം ആവശ്യമില്ലെന്നാണ് എനിക്കു തോന്നുന്നത്. എൻെറ സദാ ഉള്ള അഭിപ്രായം യാതൊരു ജന്തുക്കളേയും ഉപദ്രവിക്കാതിരിക്കാമെങ്കിൽ അധികം നല്ലതാണെന്നാണ്. ജനങ്ങളുടെ മതത്തേയൊ ജീവകാരുണ്യത്തേയൊ, ധനപരിപോഷണാദത്തയൊ ഏതെങ്കിലും ഒരു തത്വത്തെ വച്ചുകൊണ്ട് നിയമമുണ്ടാക്കേണ്ട തടയാൻ കാരണമില്ലെങ്കിൽ നിയമം ഏപ്പെടുത്തുന്നത് ഒരിക്കലും യുക്തമല്ലെന്നാണ് എൻെറ അഭിപ്രായം.

ധനപരിപോഷണം സംബന്ധിച്ചാണെങ്കിൽ പശുക്കളെ കൊല്ലാൻ പാടില്ലെന്നു നിയമം ഏപ്പെടുത്തിയാൽ അതിനുപകരം കൂടുതൽ കാളകളെകൊന്നുകളയും. അതുകൊണ്ട് ഉഴവിനു പ്രയാസമായിതീരും. അതു ധനാഭിവൃദ്ധിക്കു തടസ്ഥമല്ലേ? മററു മതസ്ഥർ ഗോവധംചെയ്യുന്നതു തങ്ങൾക്കു പാപകരമാണെന്നു വിചാരിക്കുന്നുണ്ടെങ്കിൽ എൻെറ ഹിന്ദുക്കളായ സഹോദരന്മാൎക്കു മനഃക്ലേശം ഉണ്ടാക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. അങ്ങനെ വല്ലതും ഉണ്ടെങ്കിൽ പറഞ്ഞാൽ കൊള്ളാം. ക്രിസ്ത്യാനികളും മഹമ്മദീയരുംകൂടി ഗോവധത്തിൽനിന്നു ഒഴിഞ്ഞിരിക്കേണ്ടതു അവരുടെ സുഖജീവിതത്തിന് ആവശ്യമാണെന്നു മതത്തിൽ ഉണ്ടെങ്കിൽ മാന്യസ്നേഹിതന്മാരെ നിങ്ങളിൽ ആരെങ്കിലും പറയുവിൻ. എന്നാൽ ഞാൻഈ പ്രമേയത്തെ അനുകൂലിക്കാൻ തയാറാണ് അതു പ്രമേയം പ്രയോഗിച്ച ആൾ തന്നെ പറഞ്ഞാലും മതി.

MR. A. GOVINDA MENON (*Alangad cum Parur*): ഞാൻ ഒരു ശ്ലോകത്തിൻെറ അൎത്ഥം പറഞ്ഞല്ലോ.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ശ്ലോകത്തിൻെറ സാരം മററു മതസ്ഥരെക്കൂടി ഉൾപ്പെടുത്തുന്ന വിധമാണോ?

[Mr S. Subrahmanya Karayalar.]

Mr. A. GOVINDA MENON (*Alangad cum Parur*): ഹിന്ദുരാജാക്കന്മാരുടെ രാജ്യത്തിൽ അങ്ങനെ ചെയ്തുകഴിഞ്ഞാൽ അതുരാജാവിനു പാപമാണെന്നാണ്.

Mr. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): Sir, Mr. A. Govinda Menon, the mover of this proposition, deserves to be heartily congratulated for having brought a proposition of this nature at least for the consideration of this House. If legislation prohibiting the killing of cows in this State can be achieved, the learned mover, I am sure, will attain salvation, as all cows in this State at least will bless his noble soul. If his object is achieved, I will be the next mover for a second piece of legislation prohibiting the killing of all animals, by doing which we will be only giving effect to the golden precept of the sages of the past. In this connection, I will be failing in my duty as a Tamilian if I do not quote two of the well--known aphorisms from the *kural* of Tiruvalluva Nayanar :—

(1) ஒன்றாக நல்லது கொல்லாமை ;
மற்றதன் பின்சாரப் பொய்யாமை நன்று.

(2) தன்னுயிர் நீப்பினும் கருதற்க தான்பிறிது
இன்னுயிர் நீக்கும் வினை.

The first of these two *kurals* is that the noblest thing that a man is expected to do on this earth is that he should refrain from killing any animal, even if by so doing he will be obliged to lose his life.

It is all well and good to preach from a public platform the golden precepts of sages and learned men of the past, but the legitimate work of this House has its own limitation and jurisdiction; and any attempt to transgress the limit will soon launch it in difficulties of an insurmountable nature. If the learned mover could by some divine power turn human beings into vegetarians, there would be no necessity for the introduction of a proposition of the nature now moved by him in this House.

I need not submit to this House that the whole animal kingdom except the *nandis* in our temples are a prey to human beings within and outside and so it would be a vain attempt to bring propositions of this nature in Legislative Council chambers consisting of mortals.

If we take the food problem into consideration, even when we live upon the animals on the face of the earth, fish and other living beings under water and birds wherever found, there is famine everywhere and starvation throughout; and so any attempt to legislate on a matter like the one before the House may not be productive of good and so it is better if the House can confine itself to things concerning the interest of mankind at large. Of course,

ஊனைத்தின்று ஊனைப்பெருக்காமை முன்னினிதே.

As there is no agreement between man and man about the advisability of killing or not of animals for man's use, let us pray God to work upon the mind of men and prevent them from killing the creations of the same God.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): Sir, I do not propose to say anything about the humanitarian or the religious side of the subject under discussion. But I may speak a few words on the economic aspect of the question. This aspect has been very cleverly discussed. I believe my friend Mr. Govinda Menon urged the killing of cows as one of the causes of the deterioration of cattle in this country. Mr. P. K. Narayana Pillai came out with a concrete instance of the Vechur breed of cows having become extinct by cow—slaughter.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I said cow-slaughter *also*.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I cannot agree that cow-slaughter is to any extent responsible for the extinction of this breed. There are various causes in this country which contribute to the deterioration of cattle, and my own information is—and from my own experience I can say—that the extinction of that particular breed of cows was due to the indiscriminate breeding that had been going on. No attempt had been made to keep the breed pure. It is a recognised principle in breeding that, unless you keep a breed pure, or if you go on crossing breeds of different qualities, in the end that pure breed will become extinct. That, I believe, is the fundamental cause of the extinction of the Vechur breed of cow.

Mr. P. K. Narayana Pillai also pointed out that the price of cows has gone very high on account of cow slaughter. Well, not only has the price of cows, but that of everything else has gone up. The price of *all* commodities has gone up and the figures that I have before me in regard to the number of cattle in Travancore do not warrant the conclusion that Mr. P. K. Narayana Pillai has come to. According to the cattle censuses taken in 1911 and 1921, I find that the total number of cows and cow calves in the year 1911 was 4,38,182 and in the year 1921 it was 4,36,930, or an insignificant decrease of about 1,252. This small decrease cannot certainly bring about an increase in the price which Mr. Narayana Pillai wants to attribute to it. I contend that the price of cows has gone up along with the general rise in the price of all articles; and it cannot certainly be conceded that the slaughter of cows and the consequent decrease in their number is the chief cause of this increase in the price.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I know whether there was not an increase in the ratio of population during the interval?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I believe the population of the State was 34 lakhs in 1911 and about 40 lakhs in 1921.

[Mr. T. K. Velu Pillai.]

MR. A. GOVINDA MENON (*Alangad cum Parur*): Is it not natural that, when the number of people increases and the number of cattle decreases, the prices should rise?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): There may be an increase in the price on account of the slaughter of cows, but that cannot be the chief cause. The argument that it is due to the increase in population applies to all articles. Increase in population and increased demand naturally lead to an increase in the prices of articles.

In regard to the insufficiency of the number of cattle Mr. Trivikramar Vasudevar gave the House some figures. I believe he has taken them from the latest Census Report.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): He quoted from a speech made by you.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): The Census Report seems to be his authority for the number of cattle required for ploughing in Travancore. I shall read the relevant portion from the Report which says:

"3 pairs of bulls, each working for five to six hours a day, are required for ploughing once one acre of land, and six to eight such ploughings are necessary for sowing. * * * In Madras, one pair of bulls is required for ploughing four acres of land but the fields are not ploughed six to eight times."

"The number available in the State is just below one-third of what is actually required".

From the above, the Census Commissioner concludes that the number of cattle in Travancore is less than half the number actually required. I am afraid he has gone wrong in his calculation, because he has taken one month in the year as the period of ploughing. But we know as a matter of fact that cattle are being used for ploughing for three or more months in the year. The number we have is sufficient for our purpose. The Census Commissioner's estimate is not quite correct. If, however, we improve the breed of cattle, we can even do with a smaller number. It is more economical to maintain a smaller number of good, efficient cattle than a larger number of bad, inefficient ones. If 3,00,000 bulls are now used in ploughing the lands under cultivation, and if with 2,00,000 bulls the work can be done equally well, the economic advantage is quite clear. There is certainly a saving in maintaining 2,00,000 bulls instead of 3,00,000.

The same remark applies to milch cows also. We have got cows giving one *nali* and sometimes half a *nali* of milk, and, as my friend Mr. Hoogewerf said, even such a cow costs four annas a day. This is a slight exaggeration. It may be four chuckrams. It is much more economical to maintain a cow giving about two *edangalis* of milk than one giving only one *nali* of milk.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know what remedy he would propose to see that those cows

which give only one *nali* of milk daily are disposed of before going in for better cattle?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): One way of disposal is the slaughter that is going on. (*Laughter.*) I say it is more efficient and cheaper to maintain cows and bullocks of a better breed, though smaller in number, than a large number of inefficient or useless ones. The real question then is the improvement of the breed of cattle. The present breeds of cattle in the country are certainly not good and there are certain classes of cows which ought to be weeded out. The absolute prohibition of the slaughter of cows will only increase the number of such bad cows. But if slaughter is not absolutely prohibited the chances are that all these useless animals will in course of time be slaughtered and that by introducing better breeds from outside or by crossing local breeds with imported ones it may be possible to bring into existence a better class of cattle.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): How long will it take?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): It depends upon the resources and the co-operation of the people.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Supposing everything is possible?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): It is not easy to say how long it will take. It may take years and even generations.

PRESIDENT: Your time is up.

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): As a rule, people do not slaughter or allow to be slaughtered good cows or bullocks. It is only the useless animals that they either slaughter or allow to be slaughtered. In the case of bulls, there is one safety. You can prevent bad bulls from breeding by castrating them. But in the case of cows this is not possible and they should be disposed of otherwise.

MR. T. LAKSHMANA PILLAI (*Nominated*): Why not allow them to die naturally?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): Before their death they will produce ever so many offspring.

MR. T. LAKSHMANA PILLAI (*Nominated*): So, is it not a question of bad cows being killed?

DR. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): From an economic point of view it is not at all desirable to absolutely prohibit the killing of cows.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether you are in favour of not slaughtering good cows?

PRESIDENT: The resolution is for absolute prohibition of cow-killing.

[Mr A. Govinda Menon.]

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask whether the deterioration of cattle is not mainly due to absence of good fodder in Travancore.

Dr. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): It may be one of the causes.

Mr. A. GOVINDA MENON (*Alangad* cum *Parur*): Sir, I have carefully heard the arguments except in the case of Mr. Mammen Mappillai. I was unable to ascertain what he actually said. All the arguments advanced by those who want somehow or other to prevent a resolution like this from being passed are neither economical nor logical. I will take the latter case first.

Those who adopted one kind of logic say that, if you strictly adhere to the humanitarian principle, you must extend it to all other animals. I shall take an instance to illustrate that kind of logic. Suppose two beggars ask for alms from a man. If he has money enough only to satisfy one, does it mean that they should both be driven away without even giving a single pie to them? That is an absolutely useless and worthless kind of logic. (*Laughter.*) You must do what you can. Of course there is a limit beyond which each of us would not be able to go.

As for the arguments on the economic side, I think it is rather too late to say that on economic grounds the slaughter of cows need not be prohibited. Even Dr. Kunjan Pillai was rather not very emphatic in his assertion as regards that point. The difficulty is that he himself admitted in the discussion some two months ago when the resolution was passed——

Dr. N. KUNJAN PILLAI (*Director of Agriculture and Fisheries*): I did not express an opinion then either for or against the resolution discussed by the Economit Development Board. Of course, the resolution was passed, I know. I was the President but did not commit myself to any view.

Mr. A. GOVINDA MENON (*Alengad* cum *Parur*): At any rate that was not my impression. I saw only the resolution in the papers.

Mr. A. HOOGEWERF (*Nominated*): Was the other side properly represented?

PRESIDENT: That does not arise.

Mr. A. GOVINDA MENON (*Alangad* cum *Parur*): All the literature I have been able to read, from the pen of men like Sir John Woodroffe, Pandit Madan MohanMalaviya and so many other people who have taken a keen interest in this question an interest which nobody else has ever taken, at least in these parts, even including Dr. Kunjan Pillai-leads me to think that these people are emphatically of the opinion that cow-slaughter should be prohibited, although in the case of Pandit Madan Mohan Malaviya, you may think that he has been influenced by the religious side also.

MR. A. HOOGEWERF (*Nominated*) : Will Mr. Govinda Menon read the reply of the Viceroy ?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*) : I am sorry I cannot attach much weight to that pronouncement. The Viceroy has not worded the reply exactly according to the logical conclusions. We can more or less understand his position. He is not his own master and has so many difficulties to contend against, so many interests to satisfy, that he will be led to say things inconsistent with logic or sometimes with his conscience. (*Laughter.*) Not that I do not attach any value to the utterance of the Viceroy ; but I do not accept the soundness of the view expressed by him.

MR. A. HOOGEWERF (*Nominated*) : Did you read it ?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*) : I have read it, but not now. It seems to me that it was not very sound. It is not a disparagement to the Viceroy to say to. I think if I were in that position I would have done the same thing. It is the pronouncement of a diplomat.

All that I say is that there is absolutely no ground advanced that this resolution cannot be passed in this House. Of course, to take action on the resolution is left to the Government, but, in my humble opinion, I think, in the face of the opinions expressed here, nobody has stated anything against it upon the religious ground. The one man having a right to do so was Mr. Khadir Pillai. I know there are some Mahomedans who advocate cow-slaughter. But he has never advanced such a view. Moreover, men like Messrs. Chotani, Mahomed Ali and others whose names may not be quite welcome to some here (*Laughter*) but whose opinions and judgment in matters like economic questions and religious questions could not be questioned, have said that there is nothing obligatory on the part of Mahomedans to sacrifice cows and cows alone. They are against cow-slaughter. Even Mr. Kunjitomman does not eat cow's flesh. His family never uses it. They belong to an old family. There is a certain respect which they attach to cows. There are no doubt others who use cow's flesh, but any restriction that may be put upon this variety of beef will not prevent the ample supply of other kinds of meat in the case of those who want it for their food. All that I say and all that I request is that at least in principle all the members of this House should kindly accept the resolution.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know whether he was aware of the observation of Mr. Mammen Mappillai that there was much of sentimental cant underlying the resolution ?

PRESIDENT : I do not think that Mr. Mammen Mappillai used that expression.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*) : I said that there is a lot of cant said about it by some persons. I am sorry Mr. Narayana Pillai has misunderstood me.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*) : So far as I am concerned, I have not used cow's flesh or any flesh. I am a pure vegetarian and that itself testifies to my earnestness and sincerity. I therefore leave it to the Council.

[Mr. V. Subba Aiyar.]

Mr. P. K. Narayana Pillai (*Ambalapuzha*): My question is whether you propose to take notice of the fact that you oppose cow-killing as a sentimental cant.

Mr. K. C. Mammen Mappillai (*Commerce and Industries, North*): I did not say that. I myself said—

Mr. P. K. Narayana Pillai (*Ambalapuzha*): Is he in order? My question is addressed to Mr. Govinda Menon who is in possession of the House.

President: You are ascribing to him what he says he has not said.

Mr. P. K. Narayana Pillai (*Ambalapuzha*): If he says I am mistaken, I withdraw. Mr. Mammen Mappillai says he did not use the expression with respect to the persons who oppose cow-killing.

Mr. Mammen Mappillai (*Commerce and Industries, North*): I did not use that. I said all must have got a lot of sympathy, but among the arguments that I have heard on all sides there is a lot of cant mixed up with sound arguments.

Mr. V. Subba Aiyar (*Additional Head Sirkar Vakil*): I may say this, that the scarcity of milk that is mentioned is not exactly due to the decrease in the number of cows but to the decline in the quality of cows, so that that argument cannot hold water. The argument for legislation is based upon the three grounds I mentioned. As for the humanitarian ground, I ask why the measure is not to be extended to other animals. On the basis of religion we cannot interfere. On the economic ground there seems to be a difference of opinion even among the members of the House and Dr. Kunjan Pillai is emphatic on the point.

Rao Bahadur K. A. Krishna Aiyangar (*Nominated*) (*Deputy President*): What about similar legislation in other States?

Mr. V. Subba Aiyar (*Additional Head Sirkar Vakil*): I am not aware of any such. I do not think legislation can be undertaken on these grounds.

One point was made as to the difference between exceptions in the case of Brahmins and women and it was urged that similar exceptions might be made here also. What the Penal Code did was to give legal recognition to the customs then existing. What we are asked to do is to abrogate existing customs or usages which do not prohibit the killing of cows, and make it penal to kill cows hereafter. That makes all the difference. I believe that difference is very vital in any piece of legislation.

I have got nothing more to add than to urge that in the circumstances that I mentioned—and as a matter of fact the members are opposed to it—it will be rather a delicate task for the Government to undertake a piece of legislation which is likely to wound the susceptibilities of other religionists.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): None of them saythat the prohibition of cow-slaughter interfers with their religious duties.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At any rate, we do not know what the Mahomedans think.

The resolution was put to the vote and lost, 19 voting *for* and 21 *against*.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I demand a poll.

The poll was then taken with the following result:—

AYES—20

1. Mr. T. M. Chidambaratanu Pillai.
2. Mr. Paul V. Daniel.
3. Mr. A. Govinda Menon.
4. Mr. C. P. Kochukunju Pillai.
5. Rao Bahadur K. A. Krishna Aiyangar.
6. Mr. S. Krishna Aiyar.
7. Mr. T. Kumara Pillai.
8. Mr. V. Kunjukrishna Pillai.
9. Mr. T. Lakshmana Pillai.
10. Mr. M. R. Madhava Variar.
11. Mr. P. K. Narayana Pillai.
12. Mr. M. N. Pillai.
13. Mr. N. Padmanabha Pillai.
14. Mr. K. Paramesvaran Pillai.
15. Mr. G. Paramesvaran Pillai.
16. Mr. P. Paramesvaran.
17. Mr. N. Ramakrishna Pillai.
18. Mr. S. Subrahmanya Karayalar.
19. Mr. Trivikramar Vasudevar.
20. Mr. T. K. Velu Pillai.

NOES—21

1. Mr. I. C. Chacko.
2. Mr. R. Dhanukoti Pillai.
3. Mr. L. C. Hodgson.
4. Mr. A. Hoogewerf.
5. Mr. M. K. Khadir Pillai.
6. Mr. R. Krishna Pillai.
7. Dr. N. Kunjan Pillai.
8. Mr. Tariatu Kunjitomman.
9. Rev Fr. Kuriakose Vettikkapalli.
10. Dewan Bahadur Dr. P. N. Lakshmanan.
11. Mr. K. C. Mammen Mappillai.
12. Mr. K. V. Natesa Aiyar.
13. Mr. R. Nilakanda Pillai.
14. Mr. S. Paramesvara Aiyar.
15. Mr. W. H. Pitt.
16. Mr. M. Raja Raja Varma.
17. Rao Bahadur K. V. Rangaswami Aiyangar.
18. Mr. S. C. H. Robinson.
19. Mr. Dominic Tomman.
20. Mr. V. Subba Aiyar.
21. Mr. A. J. Van Ross.

The resolution was lost.

Appointment of a Retrenchment Committee.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir. I beg to move the following resolution:

This Council recommends to the Government that a committee consisting of the official and non-official members of this Council be appointed to consider the question of further retrenchment in public expenditure.

[Mr. M. R. Madhava Variar.]

It has been urged by almost all non-official members of this Council that retrenchment in public expenditure is an absolute necessity if we are to place our finances on a stable basis and to utilise our revenues for huge schemes of nation-building and industrial regeneration. In my budget speech last year, I made particular mention of the fact that we are leading a hand-to-mouth existence in the region of finance. In the financial Secretary's review of the revenue and expenditure for ten years at the end of 1097, he has unmistakably told us:

"Thus during the ten years under review the State's revenue rose from Rs. 138 lakhs to 195 lakhs, *i. e.*, by Rs. 57 lakhs or 41 per cent and the expenditure from Rs. 135 lakhs to Rs. 196 lakhs, *i. e.*, by Rs. 61 lakhs or 45 per cent."

From this statement it is abundantly clear that our expenditure is not proportionate to the revenue we realise every year. Similarly, if we review the financial position of this country for ten years from 1077 to 1087 we find that the revenue has increased from about Rs. 96 lakhs to Rs. 137 lakhs in 1097, *i. e.*, by Rs. 41 lakhs, and the expenditure from Rs. 99 lakhs to Rs. 134 lakhs, *i. e.*, by Rs. 35 lakhs. Though the Government had to sustain deficits consecutively for five or six years in that period and to incur huge expenditure on big undertakings, the expenditure has never exceeded the revenue. The increase of revenue by Rs.4 lakhs in 10 years up to 1097 is seen to havebeen contributed mainly by excise, customs, salt, stamps and education. In view of the growing strength of the temperance movement, the opening of the Cochin harbour, and the agitation against enhancement of salt duty, we cannot reasonably expect a steady growth of revenue under the above-mentioned heads. Mr. George himself has frankly admitted in his budget speech in 1097 that "as regards the future, it would be rash to expect any large or sudden increases in our normal resources". In recent years Government have been very liberal in allotments to various departments under the delusion that we are having prosperous times. In 1095 and 1096, though the revenue has increased only by Rs. 13 lakhs, the expenditure has increased by Rs. 35 lakhs. The cause of this abnormal rise in expenditure is explained away by the Government.

If we read the Mysore Dewan's address to the Representative Assembly we find that within the last 20 years the revenue of that State has increased from Rs. 207 lakhs to Rs. 332 lakhs and expenditure from Rs.201 lakhs to Rs.329 lakhs, while the assets of the State has increased from nearly Rs. 5 crores to Rs. 16 crores. During these years a railway was constructed to the extent of 255 miles at a capital cost of Rs. 178 lakhs, a sum of Rs. 211 lakhs was spent for the Krishna Raja Sagara and allied works, and a sum of Rs. 125 lakhs for the development of the Cauvery Power Scheme. The resources of the State were augmented in Mysore by the growth of the gold-mining industry, the harnessing of the Sivasamudram falls, the extension of transport facilities, the direct management of railways and the remarkable growth of productive industries. The total outlay on productive works in that State now

comes to Rs. 1,100 lakhs. Though we can boast of a steady increase in our revenue, our ordinary expenditure is nearly outrunning the ordinary sources of income. Questions like the constitution of the Travancore University, the extension of railway from Kottarakara to Alwaye, and from Trivandrum to Nagercoil, the construction of the Alleppey canal, the working of the hydraulic powers, and the development of the paper, match and sugar industries stare us in the face. We are gasping for funds. We have reached the highwater mark of direct and indirect taxation. At this juncture the only solution for these problems is to put the finances on a stable basis and to begin a programme of strict retrenchment extending over a definite period to be suggested by a committee like the one proposed to be established by this resolution.

Sir, I have purposely used the phrase "*further* retrenchment" in my resolution, as we are told that Government have made all possible retrenchment. Mr. George, when speaking about Mr. Kunjitomman's resolution on the first session of the Council last year, made certain remarks which require reconsideration. He said:

"I do not think any further substantial reduction can be made in any departmen without risk to its efficiency."

But at the same time he admitted:

"My contention is not that there is absolutely no possibility of any retrenchment whatsoever. We can no doubt effect some retrenchment here and there. My position is that there is no need to appoint a committee for this purpose For making a few reductions here and there, it is not necessary that a committee should sit and deliberate. We had a Salaries Committee which considered the question in all its aspects."

This remark was made only in reference to the retrenchment in salaries and allowances. The Salaries Committee mainly concerned itself only with the revison of salaries and not with the question of all-round retrenchment in public expenditure consistent with efficiency. According to the suggestion of the Salaries Committee, though 1,160 hands have been reduced by the revision of salaries, owing to the creation of new appointments, the separation of Devaswom from the Revenue Department and departmental re-organisations, the expenditure has increased to a considerable extent. Now we spend 37·5 per cent. of our revenues on salaries against 36.5 per cent. in Mysore.

I shall make a few suggestions as to how retrenchment can be effected in certain departments. Without a close scrutiny of each department, it will not be possible for anybody to suggest a detailed scheme of retrenchment. Take, for instance, the Revenue Department which was performing judicial, revenue, Devaswom and other functions. In 1081, the expenditure on this department was Rs. 5,27,684 and in 1097 it has swelled to Rs. 9,85,377, *i. e.*, by Rs. 4½ lakhs, though Tahsildars and Peishkars are divested of various functions. Including the cost of Revenue Survey and Settlement the expenditure in 1081 was only Rs. 7,93,714. In 1085, the total charges were Rs. 7,99,507 and the net revenue Rs. 31,86,428. In 1097, the net revenue was only Rs. 30¼ lakhs even though the functions of revenue officers were considerably reduced by the constitution of the Maramat and Devaswom

[Mr. M. R. Madhava Variar.]

departments and by the appointment of additional Stationary Magistrates and Devaswom Assistants. Before the creation of the post of Land Revenue Commissioner, as the Dewan had to co-ordinate the work of all revenue subordinates, the Peishkars had to be invested with large powers. Now the salary of these revenue officers can be further reduced and division officers and Inspectors can be appointed on lesser salaries as in the Excise, Police and other departments. I do not say that this reform can be effected immediately, but a committee can suggest the number of appointments and fix the salaries and suggest a period within which time reform can be begun and completed.

In the Excise Department, a huge reduction can be made in the staff if the number of divisions is reduced and the work of collecting *kist* is entrusted to the Revenue Department as is done in the Madras Presidency and is reported to be suggested by the Excise Conference recently held in Trivandrum. In Madras the number of Assistant Excise Commissioners was reduced from 12 to 9. In this small State, we have 11 Assistant Excise Commissioners! Without imparing efficiency, I think the Nagercoil and Salt Factories Circles can be amalgamated. The Kayankulam Circle may be clubbed together with Alleppey and Quilon. Piravam may be amalgamated with Arukutti, Alwaye or Kottayam and the Devicolam Division may be completely abolished. Three Deputy Commissioners or Assistant Excise Commissioners will be able to supervise the work of the Inspectors and their subordinates. I am sure no departmental head will agree to the reduction of a single officer as he has fallen in a groove from which his steps cannot be deflected. If a committee will enquire into the work of each department minutely, I think it will be easy to persuade and convince departmental heads to effect some retrenchment for the public good.

With respect to the Forest Department, it is well-known that we are not getting any net profit proportionate to the expenditure. In 1088, the expenditure on this department was Rs. 7,31,222 and the net revenue Rs. 5,42,501. In 1097, though we spent Rs. 9,07,909 on this department, the net revenue that we realised was Rs. 3,38,806. Mr. K. P. Raman Pillai pointed out at the last meeting of the Council that the profit which the department makes is 1 anna 2 pies per cubic foot, and he remarked that it was certainly a bad business that we should sell our timber of all species at an average net profit of 1 anna 2 pies. If the Forest Department concerns itself only with the conservation of reserve forests and the resources thereof, and if the illicit removal and felling of royal trees outside the forest areas is looked after by the Police, no doubt the staff can be considerably reduced. If we invest Rs. 10 lakhs which we now spend on forests in a good concern, with the profits arising therefrom we will be able to conserve our reserves and keep the whole establishment for purposes of conserving our resources without selling one cubic foot of timber. A scheme ought to be drafted by the proposed committee

in consultation with the Conservator of Forests to reduce expenditure and to realise more income from the sums to be expended on the department.

It is recognised by the Government and the public that the expenditure on education is alarmingly increasing. By the conversion of English Middle Schools into Anglo-Vernacular Schools as in Cochin and by the abolition of Vernacular Middle Schools and Vernacular High Schools, it is possible to reduce the number of teachers and to curtail the expenditure on vernacular education. The Education Expenditure Committee had definitely recommended that a certain percentage of English Schools might be relegated to the management of private bodies every year. This scheme should be put into actual practice and the committee which is proposed to be appointed may consider the feasibility of the arrangement and fix a term within which it may be carried out. I believe that, by decentralisation of powers in favour of subordinate officers, the post of Personal Assistant to the Director and that of the Inspector of English Schools may be conveniently abolished. In the light of the recommendations of the University Committee, many changes will have to be introduced in the educational system of the country, which, of course, must be considered by a committee of officials and non-officials. The shift system in the primary schools introduced by Dr. Paranjpye in Bombay may be tried here also.

The Development Departments of Agriculture, Fisheries, Industries and Co-operation can be brought under the supervision of a single officer in the State. In 1097, a sum of Rs. 63,358 was spent on direction in the Industries Department, and Rs. 41,017 in the Department of Agriculture and Fisheries. If these departments are under one Director and if the subordinates are directed to conduct joint investigations and researches wherever necessary and if Co-operative Societies are formed for agricultural and industrial purposes according to the suggestions of the Director, much expenditure can be saved and the working of the departments can be made more efficient. I am not dwelling at length on this topic as Mr. T. K. Velu Pillai's motion for a committee to inquire into the working of the Development Departments is tabled for discussion.

In the Registration Department the revenue in 1081 was Rs. 3,21,388 which has increased to Rs. 6,58,608 in 1097, that is, by Rs. 3,37,250, while the expenditure, which in 1081 was Rs. 1,12,424, has, swelled up to Rs. 2,60,136, that is by Rs. 1,47,739. In Baroda, Village Panchayats are asked to help the Registration Department. In Ceylon, High Court advocates and proctors are allowed to register documents. It is to be considered whether our expenditure on this department can be curtailed by following the examples of Ceylon and Baroda.

I am of opinion that the separation of the Maramat Department from the P. W. D. entails a waste of public money. The Chief Engineer can depute any caste Hindu subordinate to look after temples and palaces without the creation of a separate department. Though the

[Mr. M. R. Madhava Variar.]

Devaswom Department is outside the province of this Council, I recommend to the Government that the constitution of Devaswom committees and the devolution of powers now possessed by certain officers to the committees will gradually curtail unnecessary expenditure and the money saved can be spent for more useful purposes.

About the Anchal Deparment the less said the better. It is a perpetual source of loss to the Government. A committee should thoroughly inquire into the working of that department and see whether the expenditure cannot be made proportionate to the revenue derived from the department. The Inchcape Committee's suggestion with regard to the abolition of motor service in the postal department may be considered.

These are only stray suggestions to show that there is ample scope for further retrenchment in the public expenditure. While I was working as a member of the Press Committee, I came to know that stationery articles were not properly utilised in the various departments. By standardsation of forms and by supply of suitable materials, the expense on stationery and printing articles can be minimised. I know that there is too much waste in the Stationery Department. It is well-known that the Salaries Committee's superficial suggestions about the Press were not helpful to effect retrenchment.

In this connection, I like to urge for the consideration of the Government the question of stores in the various departments. Dr. Lakshmanan may perhaps be able to enlighten us whether a good quantity of the medicines and other articles now purchased from foreign countries cannot be manufactured here profitably. The question of stores in the P. W. D., I presume, will be thoroughly discussed by the committee appointed for the purpose. It would be better to appoint a common agency as has been done in Mysore. This too is a problem for the Retrenchment Committee to solve.

With regard to Medical and Sanitary Departments, the Campbell Committee in Madras has made certain proposals which too deserve consideration.

I observe that a curious notion is entertained by the other side of the House with regard to the question of salaries. I am not at all surprised at the position they take. But from the standpoint of the taxpayer, I have to protest against that principle. Mr. George, in his speech on Mr. Kunjitomman's resolution in the first session of the Council in 1098, compared the salaries of officers in Travancore with those obtaining in British India and other Indian States and remarked that after all the salaries ought to depend a great deal on the qualifications of the men entertained and the duties we expect of them. He fears that if we lowered the salary we would not get the right type of men. He also maintains that officers here should not be paid far less than officers in Mysore In short, he argued that, for men of the same

qualification, the salaries here should not be much lower than elsewhere. I, for my part, demur to this proposition. First of all, I believe that salaries ought to be fixed for posts and not for men. When a European or other foreigner is appointed to a post, the Travancore Government are prepared to pay a higher salary to him. But if an equally clever Travancorean is entertained in service he is given a lower scale. The degree of efficiency and qualifications do not alone help to determine the scales of salary. The salaries of officers in this State must entirely depend upon the revenue of the State and the standard of living in the country. We need not fear that, if our salaries are less, our educated men will not come forward to accept public service. We need not enhance the salaries as an allurement to our educated young men. But if we want to attract foreigners to our service we have to give high salaries. Fortunately we are not in dire need of foreigners. If we have not competent officers, we can train our own men. I do not understand the logic of Mr. George's statement that the officers in Travancore should get the same salaries as in Mysore. What is the annual revenue of the Mysore state? What is the extent of the country? Is the standard of living there higher or lower than here? But we spend one per cent. more of our revenue on salaries than in Mysore. A committee ought to fix certain salaries for all posts in Government service with reference to the revenue of the State, the responsibilities of the post and the standard of living obtaining in this country. If the officers consider Government service as a profession and not as a service, they should not be entitled to any pension after retirement.

Sir, for these reasons, I move for the appointment of a committee to go into the whole question of retrenchment in public expenditure, for the reduction of staff, for the fixation of salaries for posts, for the amalgamation of some departments, for decentralisation of powers, and for redistribution of duties.

PRESIDENT: Is there anybody to second the resolution?

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): I second the resolution moved by Mr. Madhava Variar.

സർക്കാർ പണം ചിലവാക്കുന്ന സംഗതിയിൽ വീണ്ടും ചിലവു ചുരുക്കുന്നതിനെപ്പററി ആലോചിക്കുന്നതിന് ഒരു Retrenchment Committee വേണമെന്ന് മിസ്റ്റർ മാധവവാര്യർ കൊണ്ടുവന്നിട്ടുള്ള പ്രമേയത്തെ ഞാൻ ഹാർദ്ദമായി അനുകൂലിക്കുന്നു.

ചിലവു ചുരുക്കുന്ന സംഗതിയിൽ ജനങ്ങളുടെ ശ്രദ്ധ ആദ്യമായി പതിയുന്നതു രാജ്യത്തിലെ ശമ്പളച്ചിലവുകളിലാണ്. ഇടക്കാലം മുതൽ ഡിപ്പാർട്ടുമെൻറു പരിഷ്കാരങ്ങളാലും ശമ്പളവർദ്ധനയാലും, നൂതനമായ ഉദ്യോഗസൃഷ്ടികളാലും, ശമ്പളച്ചിലവുകൾ സീമാതീതമായി വർദ്ധിക്കാൻ ഇടയായി. ൧൦൮൦ മുതൽ ൧൦൯൦ വരെയുള്ള ആണ്ടുകളിൽ ശമ്പളച്ചിലവുകളുടെ കണക്കുകൾ പരിശോധിക്ക

[Mr. T. Kumara Pillai.]

മ്പോൾ ഈ പരമാർത്ഥം ബോദ്ധ്യപ്പെടുന്നതാണ്. പല വഴികളിലും പരിഷ്കൃതനിലയിൽ വർദ്ധിച്ചുവരുന്ന ഭരണകാര്യങ്ങൾ സാധിക്കുന്നതിനു ശമ്പളച്ചിലവുകളിൽ ഇങ്ങനെയുണ്ടാകുന്ന വർദ്ധനകളെ ഒഴിച്ചുവയ്ക്കാൻ നിവൃത്തിയില്ലെന്നാണ് സമാധാനം പറഞ്ഞുപോരുന്നത്. എന്നാൽ ഈ രാജ്യത്തെ രാജ്യഭരണറിപ്പോർട്ടുകൾ ഉണ്ടായിത്തുടങ്ങിയകാലം മുതൽ ൧൦൯൦-ാമാണ്ടുവരെ ശമ്പളച്ചിലവുകളെ പരിശോധിക്കുന്നതായാൽ ക്രമാഗതമായ വർദ്ധനയുണ്ടായിരിക്കയും അതു നടന്നകാലങ്ങളിൽ ഒരു സാമ്യവും താരതമ്യവുമില്ലാതെ ശമ്പളച്ചിലവുകൾ വർദ്ധിച്ചുവരികയും ചെയ്തിട്ടുള്ളതു കാര്യക്ഷമതയ്ക്കായിട്ടാണെന്നുള്ള സമാധാനം ശരിക്കുള്ളതോ ന്യായമായിനില്ക്കുന്നതല്ല. ശമ്പളച്ചിലവുകളിൽ ഇങ്ങനെ വന്നിട്ടുള്ള വർദ്ധനയാണ് അതിൽ പിന്നീടുള്ള ശ്രീമൂലംപ്രജാസഭകളിൽ ശമ്പളച്ചിലവുകളെ കഴിയുംവിധം കുറയ്ക്കണമെന്നുള്ള നിവേദനങ്ങൾ കൊണ്ടുവരുവാൻ ഇടയായിട്ടുള്ളത്.

ഇവിടത്തെ പബ്ലിക്ക സർവീസിലുള്ള ശമ്പളങ്ങളെ വർദ്ധിപ്പിക്കുന്നതിനായി നിശ്ചയിച്ച Salaries Committee ക്കാരോട്ടു അതോടുകൂടിയുള്ള ശമ്പളക്കാരിൽ കുറയ്ക്കാവുന്ന സംഗതികൂടി പര്യാലോചിക്കാൻ അവസരമേകല്പിച്ചു. അതിന്റെ ഫലമായി അവരുടെ റിപ്പോർട്ടിൽ ൧,൩൦൦ ശമ്പളക്കാരെ കുറയ്ക്കുന്നതിനു ശിപാർശ ചെയ്തിട്ടുണ്ടായിരുന്നു. അപൂർവ്വം ചില വലിയ ഉദ്യോഗങ്ങളും, കുറെ ഇടത്തരം ഉദ്യോഗങ്ങളും, ഒട്ടുവളരെ സാധുക്കളായ ശിപായിമാരുടെ വേലികളും ആണ് അതിൽ ഉൾപ്പെടുത്തീട്ടുള്ളത്. കമ്മിററിക്കാരുടെ ശിപാർശയിൽ പലതും ഗവർൺമെന്റു സ്വീകരിക്കാൻ ഇടയായിട്ടില്ലെങ്കിലും ചില ഉദ്യോഗങ്ങൾ കുറച്ചിട്ടുണ്ടെന്നു സമ്മതിക്കാവുന്നതാണ്. Salaries Committee ക്കാരുടെ റിപ്പോർട്ടിന്മേൽ നടത്തിട്ടുള്ള പല ഡിപ്പാർട്ടുമെന്റു പരിഷ്കാരങ്ങളാലും, ശമ്പളക്കൂടുതലുകളാലും, നൂതനമായ ഉദ്യോഗസൃഷ്ടികളാലും ഈ രാജ്യത്തിലെ ശമ്പളച്ചിലവുകൾ ഓരോ ദിവസവും പൂർവ്വാധികം. വർദ്ധിച്ചുവരികയാണ ചെയ്യുന്നതു. ഡിപ്പാർട്ടുമെന്റു പരിഷ്കാരങ്ങളുടെ ഫലമായി നിശ്ചയിച്ചിട്ടുള്ള മുഴുവൻ ശമ്പളങ്ങളും കൊടുക്കേണ്ടതായി വരുന്നകാലത്തു ശമ്പളച്ചിലവുകൾ ഭയങ്കരമായ നിലയിൽ എത്തുമെന്നുള്ളതിനു സംശയമില്ലാത്തതാണ്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലും മററു നാട്ടുരാജ്യങ്ങളിലും ശമ്പളച്ചിലവുകളെ കുറയ്ക്കുന്നതിനു Retrenchment Committee കൾ വേലചെയ്തുവരുന്ന കാലഘട്ടതി തിരുവിതാംകൂറിനെയും ബലമായി ബാധിച്ചിരിക്കുന്നു.

പുറമെയുള്ള രാജ്യങ്ങളുടെ ശമ്പളത്തോതുകളെ നോക്കാതിട്ടുള്ള പ്രവൃത്തികളാണ് നമുക്കും Retrenchment Committee യെ അന്വേഷിക്കേണ്ടതായി വന്നിട്ടുള്ളത്. ഈ രാജ്യത്തിന്റെ സ്ഥിതിക്ക് അതിലേക്ക് ആവശ്യമുണ്ടായിരുന്നതായി പൊതുജനങ്ങൾ കരുതുന്നില്ല.

ദിവാൻജി, ഹൈക്കോടതിജഡ്ജിമാർ ഇവക്കു നിശ്ചയിച്ചിട്ടുള്ള ശമ്പളങ്ങൾ ന്യായമായി കരുതാവുന്നതാണ. ഈ രാജ്യത്തിന്റെ സ്ഥിതിക്ക സാങ്കേതിക വിദ്യാഭ്യാസവും പ്രത്യേകപരിശീലനവും വേണ്ടതായ ഡിപ്പാർട്ടുമെന്റുകൾ ഒഴികെ മററു ഡിപ്പാർട്ടുമെന്റ് അധികൃതന്മാൎക്കു ൧൦൦൦ രൂപായിൽ കൂടുതൽ ശമ്പളങ്ങൾ കൊടുക്കാൻ പാടില്ലാത്തതാണ്. ഹൈക്കോടതി ഫ-ാം ജഡ്ജിക്കു ൨,൨൦൦ രൂപായും ഒരു ഡിപ്പാർട്ടുമെന്റിലെ അദ്ധ്യക്ഷനു അതിലുപരിയായ ശമ്പളവും ഉണ്ടായിരിക്കുന്നത് ഒരിക്കലും ന്യായമായിരിക്കയില്ല. ഡിപ്പാർട്ടുമെന്റ് അധികൃതന്മാരുടെ ഇപ്പോഴുള്ള ശമ്പളങ്ങൾ കുറച്ചു ൧൦൦൦ രൂപാവരെയാക്കുന്നതായാൽ ഇവിടെയുള്ള ഉദ്യോഗങ്ങൾക്കു പുറമെനിന്നും ആളുകളെ കിട്ടാതെ വരുമെന്നുള്ള ആക്ഷേപം പറയുമായിരിക്കാം. അതിനാൽ വരുന്ന ദോഷങ്ങളെ സഹിക്കാൻ ഇവിടെയുള്ള ജനങ്ങൾ തയ്യാറായിരിക്കുമെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നതു്. ആണ്ടുതോറും ൩൬ ലക്ഷം രൂപാ ചിലവാക്കി വിദ്യാഭ്യാസം നടത്തിപ്പോരുന്ന ഈ രാജ്യത്ത് ഇവിടെയുള്ള ഡിപ്പാർട്ടുമെന്റുകളെ ഭരിക്കാൻ ഇവിടെ ആളുകൾ ഇല്ലെന്നുവരുന്നതായാൽ വിദ്യാഭ്യാസഡിപ്പാർട്ടുമെന്റിലെ ചിലവിനെ കുറച്ച് ആവകപ്പണം ജനങ്ങളുടെ ധനാദായസ്ഥിതികളെ വർദ്ധിപ്പിക്കാനുള്ള വഴികളിൽ ചിലവാക്കുന്നത് എത്രയോ ഉചിതമായിരിക്കുമെന്നാണ് തോന്നുന്നത്. ഇവിടത്തെ സിവിൽ ലിസ്റ്റിനെ ആദ്യവസാനം പരിശോധിക്കുന്നതായാൽ പല ഉദ്യോഗങ്ങളും, പല ശമ്പളങ്ങളും ആവശ്യത്തിൽ വളരെ കൂടുതലാണെന്ന് ആൎക്കും ബോദ്ധ്യപ്പെടുന്നതാണ്. ഇതിനുംപുറമെ ഓരോ ഡിപ്പാർട്ടുമെന്റുകളിലും ശമ്പളച്ചിലവുകൾ കൂടുന്നതും കുറയുന്നതും അദ്ധ്യക്ഷനായ ആളിനെ ആശ്രയിച്ചിരിക്കുന്നതായും കാണാവുന്നതാണ. അഞ്ചൽസൂപ്രണ്ടിനു ൨൫൦ രൂപാമുതൽ ൩൦൦ രൂപാ വരെയും, രജിസ്ട്രേഷൻ ഡയറക്ടൎക്കു ൩൦൦ രൂപാ മുതൽ ൪൦൦ രൂപാവരെയും ശമ്പളങ്ങൾ മതിയാകുമെന്നു നിശ്ചയിക്കയും ആ ഡിപ്പാർട്ടുമെന്റുകളുടെ ഭരണം ഭംഗിയായി നടത്തിപ്പോരികയും ചെയ്യുന്നു.

ശമ്പളങ്ങളെ വർദ്ധിപ്പിക്കുന്നതു കാൎയ്യക്ഷമതയ്ക്കു വേണ്ടിട്ടെന്നാണ് ഗവർൺമെന്റു സമാധാനം പറയുന്നതു. ഉദ്യോഗങ്ങൾക്കു അനുരൂപന്മാരായ ആളുകളെ തിരഞ്ഞെടുത്ത് നിയമിക്കുന്നതിനാലാണ് കാൎയ്യക്ഷമ

[Mr. T. Kumara Pillai]

ത നിപുണത. ശേഷിയില്ലാത്ത ഒരാൾക്ക് എത്രതന്നെ ശമ്പളംകൂട്ടിക്കൊടുത്താലും ഉദ്ദേശിച്ചിട്ടുള്ള കാര്യക്ഷമത കിട്ടുന്നതല്ല.

ഏതായാലും ഈ ൨ ഡിപ്പാർട്ടുമെൻറുകളിലും ശമ്പളച്ചിലവുകളെ കുറയ്ക്കാൻ ധാരാളം സൗകര്യമുള്ളതാണ്. ദൃഷ്ടാന്തമായി എക്സൈസ് ഡിപ്പാർട്ടുമെൻറിനെ എടുക്കാം.

൧൦൮൩ ൽ നാലു അസിസ്റ്റൻറ എക്സൈസ് കമ്മിഷണറന്മാരും ൬ സർക്കിൾ ആഫീസറന്മാരും, ൫൮ ഇൻസ്പെക്ടറന്മാരും ഉണ്ടായിരുന്നത് ൧൦൯൫ലെ പരിഷ്കാരത്തിൽ ൩ അസിസ്റ്റൻറ എക്സൈസ് കമ്മിഷണറന്മാരും ൧൦ സർക്കിൾ ആഫീസറന്മാരും, ൭൨ ഇൻസ്പെക്ടറന്മാരുമാക്കി വർദ്ധിപ്പിച്ചു.

൧൦൯൮-ൽ ൪ അസിസ്റ്റൻറ എക്സൈസ് കമ്മിഷണറന്മാരും, ൮൮ ഇൻസ്പെക്ടറന്മാരും ൩൧ സബ്ഇൻസ്പെക്ടറന്മാരുമായി വീണ്ടും വർദ്ധിപ്പിച്ചിരിക്കുന്നു.

ഒൻപതുവർഷങ്ങൾ കഴിഞ്ഞതിൽ പിന്നീട് അപ്പോഴത്തെ സ്ഥിതികൾക്ക് അനുരൂപമായി ൧൦൮൯ ൽ പരിഷ്കാരം നടത്തീട്ടുള്ളതിനെ രണ്ടു വർഷങ്ങൾക്കകം വീണ്ടും പരിഷ്കാരം നടത്തി അതിൽ ഉയർന്നതരം ഉദ്യോഗങ്ങളെയും അവരുടെ ശമ്പളങ്ങളെയും വർദ്ധിപ്പിച്ചിരിക്കുന്നു. എക്സൈസ് ഡിപ്പാർട്ടുമെൻറിൽ വരവുവർദ്ധിച്ചുവരുന്ന തോതിനു ശമ്പളച്ചിലവുകൾ വർദ്ധിക്കാതിരിക്കുന്നു എന്നും, അതിനേക്കാൾ ലാൻഡ് റവന്യൂ, ഫാറസ്റ്റ് രജിസ്ട്രേഷൻ, ഈ ഡിപ്പാർട്ടുമെൻറുകളെ താരതമ്യപ്പെടുത്തി നോക്കേണ്ടതാണെന്നും ഉള്ള വാദങ്ങളാണ് ഈ പരിഷ്കാരത്തിനു സമാധാനമായി പറഞ്ഞിട്ടുള്ളത്. എക്സൈസ് കമ്മിഷണർ മിസ്റ്റർ വാൻറോസ്സിൻറ ഭരണത്തിൽ ആ ഡിപ്പാർട്ടുമെൻറിൽ ൨൦ ലക്ഷംരൂപാ വരവിൽ വർദ്ധിച്ചിട്ടുള്ളതായി പറയുന്നതിൻറ പരമാർത്ഥം എങ്ങിനെയാണെന്നു പരിശോധിക്കാം.

(൧) ഉപ്പിൽമാത്രം ൯½ ലക്ഷത്തോളം രൂപാ വർദ്ധിച്ചിരിക്കുന്നു. ഈ വർദ്ധന തിരുവിതാംകൂർ ഗവർൺമെൻറുതന്നെ വിചാരിച്ചിരിക്കാത്ത ഒരു യാദൃച്ഛികസംഭവത്താൽ കിട്ടീട്ടുള്ളതാണ്.

(൨) കള്ളു ചെത്താനുള്ള വൃക്ഷങ്ങളിൽനിന്നും ൧½ ലക്ഷത്തിൽപരം രൂപായും,

(൩) ചാരായത്തിൽനിന്നും ൨½ ലക്ഷത്തോളം രൂപായും,

(൪) പൊകലയിൽനിന്നും ഒരു ലക്ഷം രൂപായും,

(൫) കസ്റ്റംസിൽനിന്നും ൫ ലക്ഷത്തിൽപരം രൂപായും വൎദ്ധിച്ചിട്ടുള്ളതായി കാണുന്നു.

ഇങ്ങനെയുണ്ടായിട്ടുള്ള വൎദ്ധന ഓരൊ ഇനത്തിലേയും നികുതികളെ വൎദ്ധിപ്പിക്കയും, കസ്റ്റംസിൽ, ററാരിഫ് റേറ്റുകളെ കൂട്ടുകയും ചെയ്തതിനാലാണെന്നുള്ള വാസ്തവത്തെ ആൎക്കും മറച്ചു വയ്ക്കാവുന്നതല്ല. ആരുടെയും ശ്രമംകൂടാതെ വൎദ്ധിച്ചുവന്നിട്ടുള്ള മുതലെടുപ്പിന്റെ തോതിനു ശമ്പളച്ചിലവുകളെ വൎദ്ധിപ്പിക്കേണ്ട ആവശ്യമില്ലാത്തതാണ്.

൧൦൮൫-ൽ ഏഴുലക്ഷത്തിൽപരം രൂപാ ചിലവാക്കിവന്നിരുന്നത് ൧൦൮൮-ൽ എട്ടുലക്ഷത്തിൽപരം രൂപായായി വൎദ്ധിച്ചിട്ടുണ്ടെന്നാണ് അറിയുന്നത്. ഇങ്ങനെ മൂന്നുവൎഷങ്ങൾകൊണ്ട് എക്സൈസ്ഡിപ്പാൎട്ടുമെന്റിന്റെ ശമ്പളച്ചിലവുകളിൽ ഒരുലക്ഷം രൂപായോളം വൎദ്ധിപ്പിക്കുന്നതിനു ന്യായമായ കാരണങ്ങൾ ഒന്നുംതന്നെയില്ലാത്തതാണ്. എക്സൈസ്ഡിപ്പാൎട്ടുമെന്റിൽ ഉയൎന്നതരം ഉദ്യോഗങ്ങളിൽ പലതും കുറയ്ക്കാവുന്നതാണെന്നുള്ളതിനു സംശയമില്ലാത്തതാണ്.

ദേവികുളത്തേക്കും കോട്ടയത്തേക്കും ഒരു അസിസ്റ്റന്റ എക്സൈസ് കമ്മിഷണർ മതിയാകുന്നതാണ്. അതുപോലെതന്നെ ആലപ്പുഴയ്ക്കും കായംകുളത്തേക്കും ഒരാൾ മതിയാകുന്നതാണ്. അതുപോലെതന്നെ നാഗർകോവിലിലേക്കും ഉപ്പളങ്ങൾക്കും ഒരാൾ മതിയാകുന്നതാണ്. എക്സൈസ്കമ്മിഷണരുടെ ആഫീസിൽ ഒരു അസിസ്റ്റന്റ് എക്സൈസ് കമ്മിഷണരുടെ ആവശ്യമില്ലാത്തതാണ്. മാനേജരായി ഒരു ഒന്നാംഗ്രേഡ്ഇൻസ്പെക്ടർ ധാരാളം മതിയാകുന്നതാണ. സബ്ഇൻസ്പെക്ടറന്മാരുടെ സൃഷ്ടികാലം മുതൽ ആയതു് ആവശ്യമില്ലെന്നും ആ ഉദ്യോഗം വച്ചുകൊണ്ടിരിക്കുന്ന കാലത്തോളം അതാവശ്യമില്ലെന്നു നിരന്തരമായി പറയാൻ തയ്യാറുള്ളതുമായ ആ ഉദ്യോഗത്തെ വേണ്ടെന്നുവയ്ക്കുന്നതിൽ ഒരാക്ഷേപവും ഇല്ലാത്തതാണ്. പോലീസ്ഡിപ്പാൎട്ടുമെന്റിൽ അസിസ്റ്റന്റസൂപ്രണ്ടന്മാരെ യാതൊരു അസൌകൎയ്യവും കൂടാതെ കുറയ്ക്കാവുന്നതാണ്.

ഈ രാജ്യത്തുള്ള ശമ്പളച്ചിലവുകളെ കുറയ്ക്കുന്നതിനു മറെറാരു വഴിയുള്ളതു് ഉദ്യോഗങ്ങൾക്കായി ആളുകളെ നിയമിക്കയല്ലാതെ ഒരു കാരണവശാലും ആളുകൾക്കായി ഉദ്യോഗങ്ങൾ കൊടുക്കയും അതിലേക്കായി ഉദ്യോഗങ്ങൾ സൃഷ്ടിക്കയും ചെയ്യാതിരിക്കുന്നതാണ്. ഇതിലുപരിയായി മറെറാരുകാൎയ്യംകൂടി പറയാനുള്ളത് ഉദ്യോഗസ്ഥന്മാൎക്ക അവരുടെ

[Mr. S. Krishna Aiyar]

ശമ്പളത്തിനുതക്കവണ്ണം ജോലികൊടുക്കയും, അവരെക്കൊണ്ടു ആ ജോലി ശരിയായി ചെയ്യിക്കയും ചെയ്യുന്നതായാൽ ഇപ്പോൾ പബ്ലിക്ക സർവ്വീസിലുള്ള പല ഉദ്യോഗങ്ങളും കുറയ്ക്കാൻ സാധിക്കുന്നതും അതിനാൽ ഗവർൺമെൻറിനു വലുതായ ലാഭം വരുന്നതുമാകുന്നു.

PRESIDENT: How is that relevant to the discussion?

Mr. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): It is mere wastage of public money.

PRESIDENT: How is it relevant to the question of appointing a retrenchment committee?

Mr. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*); That is to restrict the wastage of public money.

PRESIDENT: I think there is no connection between the two. There may be wastage and we ought to prevent it. But how is it relevant to the question in hand?

Mr. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): If that is so, I am not pressing it.

ഇങ്ങനെയുള്ള ദൃഷ്ടാന്തങ്ങൾ ഗവർൺമെൻറിൻെറ ദൃഷ്ടിയിൽ കൊണ്ടുവരുന്നതിനും മിസ്റ്റർ മാധവവാരിയരുടെ പ്രമേയത്തിൽ പറയുന്ന മാതിരി ഒരു Retrenchment Committee യെ നിയമിക്കേണ്ടത് അത്യാവശ്യമാണെന്നു ഞാനും അഭിപ്രായപ്പെടുന്നു.

PRESIDENT: We will now rise and meet again at 3-20 P. M.

The Council adjourned for lunch at 2-35 P. M. and reassembled at 3-27 P. M.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Sir, both in this Council and outside, I have been advocating retrenchment for some years now. I do not propose going over the same ground. The illustrations brought forward by Mr. Madhava Variar and Mr. Kumara Pillai are enough to show that there is ground for the appointment of a committee to explore further avenues of retrenchment. It is not necessary for us to make out the lines on which the retrenchment should be effected. We need only convince the House that further retrenchment is *possible*. In this matter the object of the Government and the non-official members of the House cannot but be the same. All of us are against the wastage of public funds; all of us are for conservation of public funds; and all of us want more and more funds for purposes of development, and for enabling the people to increase their tax-paying capacity; and when the tax paying capacity is increased the public revenues will also increase. Therefore, as I began by submitting, as our object is the same, I believe there cannot be two opinions on the necessity for the appointment of a committee for the purpose.

No doubt, the major portion of the work of the committee may have reference to salaries and allowances and a Salaries Committee has

already sat and expressed its opinions. But we doubt whether the opinions of the Salaries Committee were not *ex parte* in the matter. The wage-earner has hitherto had the privilege of dictating wages. The public who were the tax-payers had not a voice in the settlement of the rate of the salaries and other emoluments that are paid to officers. Therefore, the action of the official world hitherto cannot but be regarded as something like a plaintiff sitting to adjudicate his own case. We, on behalf of the public, are entitled to have our say on what salaries should be paid or what salaries certain places deserve. The evidence taken by the Salaries Committee too seems to have been more or less from departmental officers. Therefore I once again say that the public have not been consulted; and therefore the pronouncement of the Salaries Committee cannot bind the public; and hence we are entitled to call upon the Government for further exploration of all possible avenues of retrenchment.

It has been a standing complaint in our State that the services are over-manned and over-paid. Mr. George, in his last budget speech, referred to the Government's solicitude to lop off 'unnecessary branches' as he put it. Mr. Dhanukoti Pillai may tell us that thinning is very necessary for the health of the remaining survivors in a forest. For the health generally of the official world, a little reduction of fat also may be necessary and may be useful towards greater strength and greater efficiency. When, therefore, we talk of fewer appointments and less salaries, we do not say it must be at the sacrifice of efficiency. But, keeping the fetish of efficiency in our mind, there may yet be avenues for further exploration; and as the object in all these cases is one and the same, as we cannot have two opinions on the subject, I commend the proposition to the House.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Sir, before discussing the question as to whether any further retrenchment is possible or not, it may be useful to examine how we stand financially at present compared with the previous years. When Mr. Tariatu Kunji Tomman's resolution was discussed at the last Medam session of this Council, Mr. George, the Financial Secretary to Government, quoted certain figures to show the percentages of expenditure under Salaries and Establishment in proportion to the gross revenue of the State. Up to the end of 1097, according to the system of accounting then followed, all refunds and drawbacks, the working expenses of the Anchal Department, of the Kodayar Irrigation project, and the loss on account of the working of the Shencottah-Quilon Railway were being shown on the expenditure side. But, from the year 1098, these items are being deducted from the receipt side, and the net receipts only, so far as the above heads are concerned, are shown on that side of the budget. This fact should be borne in mind, when comparisons are instituted in respect of the gross receipts or gross expenditure of the current year with the previous years or in comparing the percentage of expenditure on salaries, allowances, contingencies, etc., of the current year with those of the previous years. According to the above

[Mr. R. Nilakanda Pillai.]

principle of calculation, the gross budgeted expenditure of 1099 has to be taken for purposes of comparison at Rs. 208 lakhs, the receipts of the year being Rs. 210 lakhs.

Expenditure on departments may be broadly classified into five distinct groups as follows :—

(a) Expenditure which is of the nature of either treaty or legal obligations or which comes under the class of inevitable payments.

(b) Do. under salaries and establishment.

(c) Do. under travelling allowances,

(d) Do. under office contingencies and supplies and services, and

(e) Other expenditure not covered by the above.

Out of the allotment of Rs. 208 lakhs for 1099 referred to above, an expenditure to the extent of Rs. 60 lakhs comes under Class A, being of the nature of either Treaty or legal obligations or of inevitable payments. The items included in the above category are subsidy, sinking fund, Palace, panivagai, H. H. The Maha Raja's Tours outside the State, political and other pensions, Devaswom contribution, railway loss, interest charges, refunds and compensations, Murajapam, and grants to Sripandaravagai and private temples. It may be stated that no retrenchment is possible so far as the above specific items are concerned.

As regards Group B, the allotment sanctioned under Salaries and Establishment amounts to Rs. 80 lakhs, which works out at the rate of 38·4 per cent. of the gross expenditure. It has already been stated before this Council that the net extra cost on account of the revision of salaries amounted to nearly Rs. 8 lakhs. The amount of scarcity allowance that was being paid prior to the recent reorganisation was Rs. 5¼ lakhs and the re-organisations have resulted in an extra cost of Rs. 2¾ lakhs over and above the scarcity allowance. The reasons which induced the Government to reorganise the services such as the rise in prices and wages, non-official opinion as reflected in this Council, the Sri Mulam Popular Assembly and in the public platforms and the press, etc., are detailed in Chapter II of the report of the Salaries Committee—a committee which consisted of officials and non-official members of the old Legislative Council. One of the references to the Salaries Committee was to consider and make recommendations as to the extent if any to which the existing staff could be reduced. The committee considered not only the question of salaries and allowances of officers drawing Rs. 150 and below but also considered the question of retrenchments in respect of appointments carrying a salary of more than Rs. 150. In accordance with the recommendations of the Salaries Committee, the Government have also reduced the number of appointments above Rs. 150, so far as they could, consistent with efficiency and the needs of a progressive administration. The total number of appointments thus reduced both in the higher and lower ranks of the service amounted to 1160 gazetted staff 65,

executive subordinates 247, ministerial staff 451 and menial staff 397. This itself has caused a serious dislocation in the services, from the effects of which there has not been sufficient time to recover. As the subject of salaries and allowances has very recently been considered by a committee of officials and non-officials, it would be inadvisable to appoint at present an all-embracing committee like the retrenchment committee proposed by the mover to consider the same over again.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Not the same; not a committee on salaries.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I have first of all dealt with inevitable payments. I am now speaking only of salaries and allowances.

The Government have always in view the question of retrenchment, consistent with efficiency, and the following retrenchments effected after the re-organisations in the various departments, may be cited as illustrations :—

(1) The allowance of the Registrar of Joint Stock Companies has been reduced from Rs. 150 to 100 per mensem.

(2) The Stationary Magistrate's Court at Paravur was abolished.

(3) The scale of pay of the Inspector of English Schools has been reduced from B. Rs. 400-750 to S. Rs. 400-500.

(4) The pay of the appointment of Commissioner, Devicolam, was originally Rs. 700. It has now been revised and fixed at Rs. 500-700.

(5) The appointment of the Oil Assistant has been abolished.

(6) The scale of pay of the Chief Engineer has been reduced from Rs. 1,200-1,400 and fixed at Rs. 1,200 per mensem.

(7) The scale of pay of the Medical Officer, Nayar Brigade, has been reduced from B. Rs. 800-1,000 to Rs. 600-750.

(8) The scale of pay of the Professors of H. H. The Maha Raja's College has been reduced from B. Rs. 400-750 to S. Rs. 300-700.

The question of reducing the number of clerks and peons in the office of the Registrar of Joint Stock Companies is engaging the attention of Government.

In this connection, I admit that retrenchments are possible here and there; but they can be effected only when suitable opportunities occur and it is doubtful whether a committee as suggested by the mover would be in a position to effect any immediate retrenchments.

Coming now to Group C, *viz.*, the allotment for travelling allowances, it may be stated that the present proportion in relation to the gross expenditure works up to 2·07 per cent. It was 2·10 in 1092, 2·05 in 1093, 2·00 in 1094, 1·94 in 1095, 1·96 in 1096, 2·07 in 1097 and 2·14 in 1098. It will be clearly seen that the percentage under travelling allowances during the current year is lower than in past years, in spite of the increase in the number of officers like experts and officers who have to travel all over the State, on account of the expansion of the various Development Departments in the State. The question of *reducing*

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the amounts in the existing rates of travelling allowances is still engaging the earnest attention of Government.

As regards Group D, *viz.*, expenditure under office contingencies and supplies and services, the percentage at present is 10·7, the lowest on record during recent years, except that in 1093 when the percentage was 10 only. The percentage from 1087 to 1089 was about 12; in 1094 it was 13·1 and in 1097 it was 14·4. From the above figures, it will be seen that the allotment under office contingencies in 1099 is lower now than in recent years and steady efforts are being made to reduce it still further.

With regard to Group E, *viz.*, expenditure not coming under the categories dealt with above, it may be stated that the total budgeted allotment for 1099 is Rs 41¾ lakhs. The items comprising the above groups are discount on sale of stamps (Rs. 44,000). grants-in-aid to schools, stipends and examination charges (Rs. 9 lakhs), grants to industrial schools (Rs. 16,000), grants for medical purposes (Rs. 41,000), P. W. D. Works and tools and plant (Rs. 22½ lakhs), maramat works (Rs. 2 lakhs), expenditure on irrigation (Rs. 1 lakh) and forest consorvancy and works (Rs. 5¼ lakhs).

The rate of discount on sale of stamps was reduced only recently. I do not think that the Council would seriously contend that expenditure on the other items mentioned, which conduce to the moral and material well-being of the people, should be reduced. Indeed the complaint is that we do not spend enough in these directions.

Thus it will be seen that further retrenchment is not possible in respect of several items of expenditure consistent with efficiency, and that, wherever possible, retrenchments are being effected by Government either on their own initiative or as the result of the suggestions made by the Finance Committee or of the discussions in this Council and the Popular Assembly. Mr. M. R. Madhava Variar has made reference to the shift system in education and the handing of English schools to private agencies. These are all good suggestions and it is for the departmental officers to work them up. It is doubtful whether a retrenchment committee would be able to help them.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Can they not understand these things?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): That is not the point. So far as Government are concerned, they have already passed orders that the departmental schools can be handed over to private agencies, and it is for the private agencies to come up and take charge of them, and a committee is not necessary for the purpose. It is, after all, doubtful whether an all-embracing and general committee, as contemplated by the mover, consisting of officials and non-officials who may not be expected to be familiar with the technique of such widely divergent departments as the Medical, Engineering, Industry, Agriculture, Forest, etc., could make recommendations which can be readily accepted without challenge and acted upon.

Reference has been made on a previous occasion to the retrenchment committee appointed in Mysore. This committee, known as the Special Finance Committee, was appointed in February 1922 at a time when the Mysore Government had to meet a heavy deficit of about 42 lakhs, practically representing the Interest and sinking fund charges on the rupee loans of about Rs. 335 lakhs, contracted during the two years immediately preceding, chiefly for financing capital works such as the Krishnaraja Sagara and the Bhadravati Iron Works. Besides, the Mysore Government had to sell away securities to the extent of Rs. 144 lakhs pertaining to their surplus investments, to finance the capital works referred to above. Fortunately for us, we have made sufficient provision for our sinking funds and they are all invested in gilt-edged securities; our surplus investments remain intact; we have not to face deficit budgets and our Government balance is expected to amount to Rs. 72 lakhs at the close of 1099. Under these circumstances, it may safely be stated that the state of affairs that prevailed in Mysore prior to the formation of the retrenchment committee does not exist in Travancore at present. The Dewan of Mysore in his Address at the recent Dasara session of the Mysore Representative Assembly has stated that the essential factors which ensure complete financial stability are: (1) a balanced revenue budget; (2) provision of funds for continuous development operations according to the declared policy of Government; and (3) maintenance of an adequate reserve for meeting all liabilities that should reasonably be anticipated. I may state that all these conditions which ensure the financial stability of a State do exist in Travancore. Incidentally it may be mentioned that the Mysore Government itself was not in a position to carry out several of the recommendations of the Finance Committee. The committee wanted that the Bhadravati Project should not be pushed through; but the Government had to order otherwise in spite of the committee's opinion to the contrary.

Again it has been suggested that a committee similar to the Inchcape Committee should be appointed in Travancore to make recommendations about retrenchments. I must repeat that the conditions which existed in British India prior to the formation of the Inchcape Committee do not exist in Travancore. The Inchcape Committee was appointed at a time when the Government of India had to face heavy uncovered deficits. Their military expenditure had gone up from 29½ crores of rupees in 1913-14 to nearly 71 crores of rupees in 1922-23, and the appointment of a committee was therefore inevitable. The retrenchments proposed by the committee amounted to 19½ crores of rupees. But the Government of India were able to effect retrenchments only to the extent of 12½ crores of rupees. Even after carrying out all the possible recommendations of the Inchcape Committee in the budget of 1923-24, the uncovered deficit amounted to Rs. 4½ crores which had to be covered by the imposition of an enhanced duty on salt. In this connection I may state that some of the recommendations of the Inchcape Committee have been severely criticised as unworkable in various authoritative quarters. As an instance, the following extract from the speech of

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Mr. Colvin, President of the Railway Conference which sat at Simla, a few days ago, may be quoted:

"Some of the arguments used by the Inchcape Report could well be questioned. For example, it was stated in the report that while the stock of waggons had gone up since 1914 to 21 per cent. the tonnage conveyed in any year subsequent to 1914 was only 8·8 per cent. in excess of the tonnage conveyed in 1914. To a practical railwayman, such a statement at once suggested a query as to the similar percentage of increase in mileage figures (the only real indication of work done) and when he finds (in an appendix to the report itself) that this figure shows an increase of over 41 per cent., he may perhaps be forgiven if he wonders if the committee had quite grasped the full meaning of all the statistics they were so liberally furnished. Furthermore, I think, many of us felt that in the recommendation that working expenses should be curtailed to the extent necessary to insure that under normal conditions an average return of at least 5½ per cent. is obtained on the capital invested by the State in Railways, the committee has not made it sufficiently clear to the ordinary reader of their report that, at the present time, conditions are not normal, and that until such time as the existing arrears of maintenance and renewals have been overtaken, it cannot be claimed that normal conditions have been established. Even when the war was over, the Central Government, so far from refunding any portion of the money that would normally have been used on repairs and renewals of their railways, proceeded to levy further large sums from the railways, by the imposition of a goods surtax. To talk therefore of the failure of the railways to yield an economic return at the present time seems to me to be calculated to give to the man in the street a distinctly false impression. You will no doubt recollect, that in making recommendations for reductions the Inchcape Committee also recommended that such reductions should be made at the expense of the non-remunerative lines. This particular provision must have caused considerable anxiety among the agents of such lines and their relief must have been great when they discovered that the Government in allocating the reductions between the different railways had apparently disagreed with the recommendations of the committee".

From the above it will be seen that some of the recommendations of the Inchcape Committee were found to be impracticable in actual working and that the Government of India, however anxious they might be, were not in a position to give effect to several of them.

The appointment of a committee like the one suggested by the mover is not a panacea for all evils. Even if such a committee be appointed, it may be quite possible for the heads of departments to convince the committee that not only should the existing grants should be not reduced but that they ought to be doubled. Again, retrenchment committees should not be appointed except as a last resource. They have a tendency to shift responsibility from the proper shoulders and complicate issues which are at present reasonably simple. The machinery of administration is not built up in a day, and if we wish to modify and simplify it, our action must be steady, well-considered and gradual. Sudden retrenchments hardly ever result in permanent economy and the difficulties attending them are particularly great.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Have I said that a sudden retrenchment should be made?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Of course, when the committee is appointed, they will naturally recommend a sudden retrenchment.

In the course of the debate in Parliament on the report of the Geddes Committee regarding the Munitions Department, it was stated that the committee had found time to examine only 3 per cent. of the expenditure and that if they proposed to examine the remaining 97 per cent. at the same rate, it would take them the rest of their lives. A committee not consisting of experts acquainted with the technique of one and all the departments dealt with could not be expected to make effective suggestions for retrenchment. Each department, and sometimes even each branch thereof, requires a very patient and a very thorough study, and a general and all-embracing committee of the sort which the mover suggests cannot be expected to do the work efficiently within a reasonable time. The work of the Salaries Committee has been characterised by the mover as unsatisfactory. It is quite possible that the work of a Retrenchment Committee that may be appointed by this Council may be questioned by another Council. Government, as we are aware, have been appointing committees to study and report on the working of individual institutions such as the Government Press and the P. W. D. Workshops, when the necessity for them is made out. If any good is to come out of a committee for retrenchment, it can be expected to come out of only such committees.

Under these circumstances, I beg to oppose the resolution.

Mr. Madhava Variar said that Mr. George had made a statement at the Medam session of this Council that officers here should not be paid less than officers in the Mysore service. I may point out that Mr. George did not say that the officers here should be paid at the same rate as the officers in Mysore.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I was quoting him.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I am also quoting him. My object is to show that the officers here are not overpaid and that the cost of the superior service is not excessive. If Mr. Madhava Variar wants information about the salaries of officers in Mysore, I can very well give him the information. Any how it is not relevant here.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I ask whether a good deal of outlay is not necessary in the immediate future in view of the extension of railways, the establishment of a University, and also of the Cochin Harbour?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I may say that the outlay on capital works is generally financed out of loan funds.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ശമ്പളച്ചിലവു മുതലായതു ചുരുക്കുന്നതിന് ഒരു കമ്മററി വേണമെന്നുള്ള മിസ്റ്റർ മാധവവാരിയരുടെ പ്രമേയത്തെ ഞാൻ പൂർണ്ണമായി അനുകൂലിക്കുന്നു. രാജ്യോന്നതിക്കായി ഓരോ നൂതന കാര്യങ്ങൾ പ്രവർത്തിച്ചു നാഗരികതയെ

[Mr. Tariatu Kunjitomman.]

യും എല്ലാവിധത്തിലും ജനക്ഷേമത്തേയും വൎദ്ധിപ്പിച്ചു കൊണ്ടുപോകുന്നതിനു വളരെ ധനവ്യയം ആവശ്യമാണ്. ഈ വിധത്തിലുള്ള വ്യയത്തിനു നൂതനങ്ങളായ നികുതികൾ ചുമത്തുക എന്നുവന്നാൽ പണ്ടേതന്നെ ബുദ്ധിമുട്ടിയിരിക്കുന്ന ജനങ്ങൾ കുറേക്കൂടി ബുദ്ധിമുട്ടുന്നതിനിടയാകും. അതിനാൽ ശമ്പളച്ചിലവു ചുരുക്കുകയും ആവശ്യമില്ലാത്ത ഉദ്യോഗസ്ഥന്മാരെ കുറയ്ക്കുകയും ചെയ്താൽ ആ വകയിൽ ഉള്ള മുതൽകൊണ്ട് മുൻ പ്രസ്താവിച്ചതുപോലെയുള്ള പരിഷ്കാരങ്ങൾ ജനങ്ങൾക്കു സങ്കടം കൂടാതെ വരുത്തുന്നതിനു സാധിക്കും. പല ഉദ്യോഗങ്ങളും കുറച്ചുകളയാം. പല ഉദ്യോഗസ്ഥന്മാരുടേയും ശമ്പളവും കുറയ്ക്കാം. ഉദാഹരണമായി റവന്യൂ ഡിപ്പാർട്ടുമെന്റുതന്നെ എടുക്കാം. റവന്യൂകമ്മീഷണർ ഉള്ള സ്ഥിതിക്കു പേഷ്കാരന്മാർ ആവശ്യമില്ല. ഡിവിഷൻ അസിസ്റ്റന്റന്മാരെ അസിസ്റ്റന്റു കമ്മീഷണരെന്നോ മറ്റോ പേരുകൊടുത്തു വച്ചുകൊണ്ടിരുന്നാൽ മതി. ഇപ്പോൾ ജനങ്ങൾക്കും ബുദ്ധിമുട്ട്; ഗവർൺമെന്റിനും ബുദ്ധിമുട്ട്. സാധുക്കളായ കൃഷിക്കാർ ഒരു ഹർജികൊടുക്കുകയാണെങ്കിൽ അതു കമ്മീഷണരുടെ അടുക്കൽ വന്നു അവസാനമായ ഒരു തീർച്ച കിട്ടുന്നതിനു വളരെ കാലതാമസം വേണ്ടിവരുന്നു. ഓരോ ആഫീസിലും പലതരത്തിലുള്ള ബുദ്ധിമുട്ടുകൾ കൃഷിക്കാരായ ജനങ്ങൾക്കുണ്ടാകുന്നു. രാജ്യത്തെ ഭൂരിപക്ഷക്കാരായ കൃഷിക്കാർ ഉദ്യോഗസ്ഥന്മാർ നിമിത്തം വളരെ ബുദ്ധിമുട്ട് അനുഭവിച്ചുകൊണ്ടാണിരിക്കുന്നത്. ഇതു ദിവാൻജി അവർകളുടെ ജനക്ഷേമത്തിലുള്ള ഉദാസീനതകൊണ്ടാണെന്നു പറവാനില്ല. ഇങ്ങനെ ജനങ്ങൾക്കു ബുദ്ധിമുട്ടും ഗവർൺമെന്റിന് അധികച്ചിലവുമാണ് ഉദ്യോഗങ്ങൾ വൎദ്ധിക്കുമ്പോൾ ഉണ്ടാകുന്നതു്. സാനിട്ടറിവകുപ്പും ആവശ്യമില്ല. ബ്രിട്ടീഷ് ഇൻഡ്യയിലും പാശ്ചാത്യദേശങ്ങളിലും ആവശ്യമായിരിക്കാം. അതുകൊണ്ട് ഇവിടെയും വേണമെന്നില്ലല്ലോ. ഗ്രാമങ്ങളായിക്കൂടിജ്ജീവിക്കുന്ന സമ്പ്രദായം കേരളത്തിൽ നടപ്പില്ല. ഇവിടത്തെ സ്ഥിതി ഒന്നു പ്രത്യേകമാണ്. ഗ്രാമങ്ങളിൽ ആണെങ്കിൽ സാനിട്ടറി ഡിപ്പാർട്ടുമെന്റുകാർ കൊള്ളാം. വിഷൂചികമുതലായ സാംക്രമികരോഗങ്ങൾ പകരാതിരിക്കുന്നതിനു പൊട്ടാസ്യം പെർമാംഗനേറ്റ കിണറുകളിൽ ഇടുകയോ മററു ശുചീകരണവേലകൾ ചെയ്യുകയോ ഒക്കെ ഗ്രാമങ്ങളിൽ ഇവക്കു സാധിക്കും. ഇവിടെ ജനങ്ങൾ പലയിടത്തായി താമസിക്കുന്നതുകൊണ്ട് എത്രകിണററിലാണ് ഇടേണ്ടതു്? ഇവിടെ ഓരോ വീട്ടിനും ഓരോ കിണറാണുള്ളതു്. ഈ വകുപ്പിനെ വേണ്ടെന്നുവച്ച് വാക്സിനേറററന്മാരെ അതതു സ്ഥലത്തു

ള്ള ആസ്പത്രികളിലെ ഡാക്ടരന്മാരുടെ കീഴിൽ വച്ചാൽ അവരുടെ ജോലി കാൎയ്യക്ഷമതയോടെ നടക്കും. ഗവൎണ്മെൻറിന്ന ശമ്പള ചിലവു ലാഭവും ആകും. എവിടെയെങ്കിലും സാംക്രമികരോഗങ്ങൾ ഉണ്ടായാൽ ആ സ്ഥലം ഏതാസ്പത്രിയുടെ കീഴിലാണൊ ആ ആസ്പത്രിയിലെ ഡാക്ടരുടെ കീഴുള്ള സാനിട്ടറി ഡിപ്പാൎട്ടുമെൻറുദ്യോഗസ്ഥന്മാരെക്കൊണ്ടു രോഗം പകരാതെ ഇരിക്കുന്നതിന്ന ശുദ്ധീകരണവേലകൾ ചെയ്യിക്കാൻ ഡാക്ടൎക്കു കഴിയും. ഇവിടെ നഗരവാസികൾ തീരെ കുറവാണ്. അവൎക്കുവേണ്ടി ഈ ഡിപ്പാൎട്ടുമെൻറാവശ്യമില്ല. ഗ്രാമജീവിതമധികമുള്ള ബ്രിട്ടീഷിൻഡ്യയിലേപ്പോലെ ഇവിടെ ഈ വകുപ്പുകൊണ്ടു പ്രയോജനമില്ലാതെയാണ് കാണുന്നത്. ഇതനുഭവമാണ്.

ഇതുപോലെ കൃഷിഡിപ്പാൎട്ടുമെൻറിലെ ഡയറക്ടരുടെ അസിസ്റ്റൻറിനെ കുറച്ചുകളയാം. ഇതിലെ മററു പലചിലവുകളും വളരെ കുറയ്ക്കാം. ഒരു കൃഷിക്കാരൻെറ നിലയിൽ കൃഷിഡിപ്പാൎട്ടുമെൻറിലെ ചിലവ് കൂട്ടണമെന്നുതന്നെയാണ് ഞാൻ പറയേണ്ടതു്. വല്ല പ്രയോജനവും കാണുമ്പോൾ ചിലവുകൂട്ടണമെന്നു പറയാൻ ഞാൻ തയാറാണ്. ഓരോ ഡിപ്പാൎട്ടുമെൻറിൻെറയും കാൎയ്യക്ഷമതയ്ക്കു ഹാനിവരാതെ കാൎയ്യം നടക്കാൻ വലിയശമ്പളം കൊടുക്കണമെന്നു വിചാരിച്ചു ഗവൺമെൻറ് ഇപ്പോൾ വലിയ ശമ്പളം കൊടുത്ത് ഉന്നതപരീക്ഷാവിജയികളെ നിയമിക്കുന്നുണ്ടു്. എന്നാൽ അതിന്നനുസരണമായിട്ടു ജനക്ഷേമമുണ്ടാകുന്നില്ല. പുറത്തു കടന്നു ഓരോ പൌരന്മാരോടും ചോദിക്കയാണെങ്കിൽ ഒന്നാമതായും രണ്ടാമതായും മൂന്നാമതായും നാലാമതായും ഓരോ പൌരന്മാൎക്കും പ്രതിനിധികളായിട്ടു പറയാനുള്ളതു് ഉദ്യോഗസ്ഥന്മാരുടെ ഉപദ്രവങ്ങളിൽനിന്നും ഞങ്ങളെ രക്ഷിക്കണമെന്നാണ്. മാന്യസ്നേഹിതന്മാരെ ! നിങ്ങൾ ഓരോ പ്രദേശത്തുള്ള ജനങ്ങളുടെ പ്രതിനിധികളായി വന്നിരിക്കയാണല്ലൊ. ഓരോ നാട്ടിലേയും പൌരന്മാരുടെ അഭിപ്രായം എന്താണ്? ഉദ്യോഗസ്ഥന്മാരിൽനിന്നും ഞങ്ങളെ രക്ഷിക്കണേ എന്നല്ലേ അവർ പ്രധാനമായി പറയുന്നതു? ഈ നിലയിൽ ഉദ്യോഗസ്ഥന്മാരെ വൎദ്ധിപ്പിക്കുന്നതു് കഷ്ടമാണ്. വലിയഉദ്യോഗസ്ഥന്മാരിൽ പലരും ഓരോ പ്രദേശങ്ങളിൽ സഞ്ചരിക്കുമ്പോൾ ജനങ്ങളുടെ സങ്കടങ്ങൾ എങ്ങനെ ഇരിക്കുന്നു എന്നന്വേഷിക്കുന്നതിൽ ശ്രദ്ധാലുക്കളായി കാണുന്നില്ല. ജനങ്ങളുടെ സങ്കടനിവൃത്തിക്കായി ഞാൻ ഇവിടെ ഈ സംഗതി പറയുന്നതാണ്. അല്ലാതെ ഗവൎണ്മെൻറിനേയൊ ഉദ്യോഗസ്ഥന്മാരേയൊ പററി ദോഷമായിട്ടു പറയണം എന്ന് എനിക്കു ലേശം വിചാരം ഇല്ല. മഹാരാജാവുതിരുമനസ്സുകൊണ്ടു് എൻെറ

[President.]

പ്രജകളുടെ സുഖം എന്റെ സുഖം" എന്നാണ് കല്പിച്ചിട്ടുള്ളതു്. അവിടത്തെ മന്ത്രിസത്തമനായ ദിവാനും ഈ കാര്യത്തിൽ വളരെ ശ്രദ്ധാലുവായിരിക്കുന്നു, എന്നാലും മേലുദ്യോഗസ്ഥന്മാരിൽ പലരുടേയും ഉദാസീനതകൊണ്ടു ജനസങ്കടം വർദ്ധിച്ചുവരുന്നു. അതു ഇവിടെ പറയേണ്ടതു് എന്റെ കടമയാണ്. വലിയ ഉദ്യോഗസ്ഥന്മാർക്കു ചിലർക്കു് കാറും കൊടുത്തിട്ടുണ്ടു്. അവരുടെ സഞ്ചാരംകൊണ്ടു് ജനങ്ങൾക്കു ഗുണമുണ്ടെങ്കിൽ കൊള്ളാമായിരുന്നു. പലരുടേയും പേഴ്സനൽ അസിസ്റ്റന്റന്മാരെ കുറയ്ക്കാം. ജോലിയുടെ ആധിക്യം കൊണ്ടാണു് അവർക്കു പേഴ്സനൽ അസിസ്റ്റന്റന്മാരെ കൊടുത്തിരിക്കുന്നതെന്ന് ഒരിക്കലും പറയാൻ പാടില്ല. ചിലർക്ക് ഒരു മണിക്കൂർപോലും ജോലിയുണ്ടോ എന്നു സംശയമാണ്. ചിലവുചുരുക്കുന്നതിന് ഒരു കമ്മററി ഏർപ്പെടുത്തേണ്ടതു് ഏറ്റവും ആവശ്യമാണ്. വടക്കോട്ടു റെയിൽവേ നീട്ടുക, പ്രാഥമികവിദ്യാഭ്യാസം ജനങ്ങളുടെ ഇടയിൽ നിർബന്ധിതമാക്കുക, ഇതുകൾ ചെയ്തുകഴിയുന്നതുവരെ തെക്കോട്ടുള്ള റെയിൽവേയും യൂനിവേർസിററിയും വേണ്ടെന്നുവയ്ക്കണമെന്നാണ് ബഹുജനങ്ങളുടെ അഭിപ്രായം.

ചിലവുചുരുക്കേണ്ട സംഗതിയെപററി ഒരു കമ്മററിയുടെ നിർദ്ദേശം ഗവർൺമെൻറിനു കിട്ടുന്നതു വളരെ പ്രയോജനകരമായിരിക്കുമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി എന്റെ പ്രസംഗത്തെ അവസാനിപ്പിക്കുന്നു.

Mr. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I have been closely listening to the interesting and learned speech of Mr. Nilakanda Pillai on behalf of the Government. I congratulate him on the ability with which he has delivered the speech which compares favourably with the very clever speeches of his predecessor, Mr. George. But, Sir, I should like to say without giving any offence to anybody, that the sentiments expressed in that speech made on behalf of the Government, the opinion about the capacity of the members of this House, the capacity of the mixed committee of officials and non-officials, is such as will induce the very paving stones of this House to raise their voice of protest. Mr. Nilakanda Pillai has observed that retrenchment is not the panacea for all evils. My friend Mr. Madhava Variar knows that as well as the Financial Secretary. It was also mentioned that some of these departments are so technical that a committee of officials and non-officials could not be expected to grapple with the questions connected with them successfully.

PRESIDENT: I do not think he said that. He said that the work could not be done by a committee of officials and non-officials within reasonable time.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, if some Account Officer of the Government or the heads of particular departments are able to evolve schemes to ventilate their views and induce the Government to give sanction to them within a reasonable time. I think this House and a committee of officials and non-officials are very much more competent to do so. My friend is a student of history, and as a student he has won distinction. He will remember that very much more technical subjects and very much more difficult things are discussed and decided by democratic assemblies such as the House of Commons. The argument, therefore, that, because these matters are technical, no good will be achieved by the appointment of committees of officials and non-officials cannot carry conviction to any one on this side of the House.

PRESIDENT: That is not what he said.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I beg to say, Sir, that there have been observations to that effect in his speech.

PRESIDENT: He has got the manuscript of his speech. It can be read even now.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Nilakanda Pillai may be asked to read that particular portion of his speech.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*):

"Each department, and sometimes even branches thereof, requires a very patient and a very thorough study and a general and all-embracing committee of the sort which the mover suggests cannot be expected to do the work efficiently within a reasonable time".

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): That is in effect what I said. Mr. Nilakanda Pillai said something about technique. I wish to hear that portion also read.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Probably in another connection. I will read that also.

"It is after all doubtful whether an all-embracing and general committee, as contemplated by the mover, consisting of officials and non-officials, who may not be expected to be familiar with the technique of such widely divergent departments as the Medical, Engineering, Industry, Agriculture, Forest, etc., could make recommendations which can be readily accepted without challenge."

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, that is exactly how I have been construing his words. The Financial Secretary fears that the committee will not be able to master these technicalities within a reasonable time.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I did not say so. I said subject to qualifications. I said that they could not make recommendations which could be readily accepted without challenge.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I did not say that Government should accept the recommendations of any

[Mr. T. K. Velu Pillai.]

committee without challenge. On the other hand, it is the sacred function of Government to consider the question carefully, to view the various aspects of the question both with regard to the principles and the details and then come to a conclusion. I never for a moment suggested that because a committee sits and decides any matter, the Government should unhesitatingly follow the recommendations of that committee. I must say that there are members on this side of the House and outside the House who have been studying public questions with a mastery which it will be very profitable to the Government, if made use of. I think a committee of this description will be able to understand the whole question without bias to departmental technique. Such a committee will certainly be helpful to Government. Many of the reforms whether suggested by the Salaries Committee or not and eventually carried out by Government, whether in the imposition of duties or levy of income-tax, had been suggested by non-official gentlemen whether in the Council or in the Assembly. I should therefore advise my friend Mr. Nilakanda Pillai to consider this question very carefully and believe that, if he wanted guidance, if he wanted any kind of advice, he could never get better help than from a committee like the one suggested by Mr. Madhava Variar.

But, while accepting Mr. Madhava Variar's proposition, I want to go a little further than that. Mr. Madhava Variar has given a good many figures and these have been supplemented by the veteran statistician on this side of the House, Mr. Kumara Pillai, and also amplified by my friend Mr. Krishna Aiyar. These figures show that there has been a feeling on the part of all of us that much of the tax-payers' money is spent on unsubstantial things and distributed by way of salaries to officers and contingencies and other allowances. I am one of those who think that the function of Government is not retrenchment alone. I want the Travancore Government to push forward its nation-building activities which are the legitimate functions of the State. Now these non-officials also have been studying these larger problems and they will be able to give constructive ideas of increasing our revenues. I want our income to be increased. I shall not describe the method of work in detail. I shall make only a suggestion or two. Take the case of rubber for example. The rubber exported may surely pay something in the shape of duty. I would refer to the question of the Interportal Convention and the question suggested by the Deputy President during the last session of this council that the natural resources of Travancore should be tapped in all possible ways. Therefore, Sir, I maintain that if the people will only think in broad lines, if they will profit by the opinion of people of other countries and of Travancore, certainly our income can be increased to a considerable extent; and after increasing that income we can devote that money to all matters that can make the Government useful to the subjects. Therefore, Sir, I think that Mr. Madhava Variar's proposition should be extended to cover not merely the question of retrenchment but also matters the decision of which will enable the Government to increase their income.

I wish to observe that for several years past the Travancore Government have been spending money on recommendations by the heads of departments though in perfect good faith; but these heads of departments who are responsible for certain revenues used to tell the Government that, unless an array of officers was created, revenue would be lost. And Government used to accept these suggestions and have been increasing the number and salary of these officers. Government have no doubt been good enough latterly to take us also into confidence and to accept our suggestions made in this Council relating to salaries and other matters. But, there is nothing like a general policy, nothing like a general scheme. Government should first prepare a statement showing how we stand in matters of finance, how to tap our resources, how to increase the revenue, and how to make more equitable distribution of our resources. All these are important documents that have to be prepared and of which a report should be published by a very competent officer or by a committee. Having done that, it will be time to take up the whole question in order that the proposal may be placed before the Government of His Highness the Maha Raja, so that in future it is only those suggestions which are productive of good to the country at large and which have been accepted by a competent committee of this nature that will be put into force. This will be an inducement to the people to continue to work even better than they are doing—I mean both the officials and non-officials—and the country will be satisfied that the money taken from the people is utilised for proper purposes. Therefore, Sir, I request Mr. Madhava Variar to extend the scope of the committee, in which case I shall be very happy to support him.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Sir, in the first place I should like to take exception to the remarks made by my friend Mr. Madhava Variar in regard to the work of the Salaries Committee. He characterised the work of the Salaries Committee as superficial.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Patanamtitta*): Only in regard to the Government Press.

MR. M. RAJA RAJA VARMA (*Deavaswom Commissioner*): I did not understand that he referred only to the Government Press. I simply wanted to take exception if it were made as a general remark. As regards the Government Press, I may also say that that question of the Government Press has been considered not only by the Salaries Committee but also by the Efficiency Audit Officer. It was one of those institutions he inspected and in respect of which the opinion of the Efficiency Audit Officer was taken into consideration. He had made suggestions to Government in regard to how reduction must be made and how the institution should be worked. So far as I have understood the proceedings issued from the Government, most of the suggestions made by the Efficiency Audit Officer have been adopted. The only question before the Salaries Committee was the one about the pay of the staff. In regard to the pay, Government have in the main accepted the conclusions of the

[Mr. M. Raja Raja Varma]

Committee. As regards retrenchment, a special committee has been looking into the working of the Government Press and their suggestions did not add very much more.

I wanted to say that the Salaries Committee which was composed of officials and non-officials was appointed to look into similar questions of revising the pay of officers drawing Rs. 150 and below. If the work of the committee which was to do work in a small sphere and which was composed of officials and non-officials—all the non-officials except Mr. Raman Tampi are members of this Council—if such a committee could not be trusted to make a recommendation acceptable to the people, then I cannot understand how a retrenchment committee which has to deal with very large problems such as the one suggested by Mr. Madhava Variar—and Mr. Velu Pillai, wants to extend it to problems concerning the sources of revenue also—would be able to get the confidence of Government, in regard to the conclusions that they may arrive at. I have my own doubts.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Was the Salaries Committee competent to go into questions of policy when it considered the question of the revision of salaries?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): In regard to the revision of salaries their action related only to the existing conditions. Whether the pay of the officers was sufficient for the work which they were asked to do and to keep them on in their posts was the question before the Salaries Committee.

So I say whether a Retrenchment Committee is going to come in for a better fate than the conclusions of the Salaries Committee which was also composed of officials and non-officials, is a matter for consideration.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know from Mr. Raja Raja Varma whether any witnesses were examined by the Salaries Committee with the object of getting views from them.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): No witnesses were examined because the question was confined to the pay and salaries of officers. But we had full reports from the head of each and every department who gave us full information as to the work he was supposed to do and the staff that was given to him. Again, as the Efficiency Audit Officer, the President had the benefit of going into most of the typical offices in the State and examining their work and also discussing questions with the officers on the spot.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I wish to know whether the Salaries Committee referred to by Mr. Raja Raja Varma was empowered, as a matter of fact, to enquire into the possibilities of retrenchment in regard to the services above Rs. 150.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): So far as retrenchment was concerned, I had a special authorisation from

the Government that the committee might consider the question of retrenchment also above Rs. 150.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to know whether the Salaries Committee did, as a matter of fact, enquire into all the possibilities of retrenchment above Rs. 150.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): They did.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think the question that was referred to the Salaries Committee was confined to the adequacy of the salaries of officers.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): No. The last of the terms of the reference to them was to what extent, if at all, the existing staff could be reduced. No limitation was placed so far as that was concerned.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask a specific question whether the Salaries Committee considered the feasibility of making the revenue officers collect *kists* and other dues from Abkari shops and thereby enabling the Government to dispense with the services of a certain number of Excise Inspectors.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): That aspect of the question was not before the Committee. What I mean to say is that the reduction, so far as the officers were concerned, and their amalgamation, if it was possible, were in the scope of the work of the committee. The committee did not look at that question for the reason that the Revenue and Excise Departments worked separately and on different principles altogether.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether the Salaries Committee acted upon the information and the opinion given them by the heads of departments.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): The information was at the disposal of the Committee from the heads of departments and also from the Efficiency Audit Officer.

A larger committee like the one now proposed, as stated by Mr. Nilakanda Pillai, is bound to take more time to investigate into the actual working and especially in regard to the technical departments and their needs. But in the case of many departments it is only possible to arrive at conclusions on what the heads of the departments have to say. For, it cannot be gainsaid that the head of the department has got an intimate knowledge of the working of the department and so he must be able to tell the Committee what they can do. Supposing the Committee differs from the opinion of the head of the department or the members of that committee, the only conclusion will be that the committee will be simply committing something which either the head of the department or probably the Government may find it rather difficult to examine.

[Mr. M. Raja Raja Varma.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is it a fact that several representations made by heads of departments were overruled by the committee?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): The Committee did not certainly accept the recommendations made by the departmental heads wholesale.

A further committee is bound to be very much more costly. That is one aspect of the question. Another point is whether we have got the condition precedent for the appointment of a retrenchment committee and whether we would have sufficient scope for the work of such a committee. No doubt Mr. Madhava Variar has given us suggestions as to certain ways in which the retrenchment could be effected; and they are, some of them, certainly very useful ones. Retrenchment can be made only by reduction of staff or of the contingent grant. These are the only two ways in which a reduction could be made. As regards the reduction in the staff, it was only very recently that the Salaries Committee has been able to arrive at a conclusion and recommend the same to Government who accepted most of the recommendations made by them. Within a period of one year or two certainly it is not possible to consider whether any further reduction could be made, particularly because we have not yet recovered from the dislocation caused by the absorption of supernumeraries. As regards the amalgamation of departments it is a very much larger question which could be dealt with only after a great deal of enquiry and that by an expert who knows exactly the conditions.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I wish to know whether the Salaries Committee went into the questions of decentralisation of powers and the amalgamation of departments.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): They were not in the terms of reference. Another matter is—

PRESIDENT: Your time is up.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): With regard to the suggestion made by Mr. Madhava Variar that certain experiments should be tried by which retrenchment could be made in Education and various other departments, I should say that these experiments have to be tried before we can see whether real retrenchment could be made at all and it should be left to the head of the department rather than to a committee. I have one other reason also to urge against the committee which, if appointed, will be a very costly concern, because it will have to tour through the whole State and examine each department minutely.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Raja Raja Varma what will be the probable cost of such a committee?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I am not in a position to say it at present. That will primarily depend upon the constitution of the committee.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will not any expenditure in that behalf be justified provided it is for the real good of the State?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Whether it is to be for the real good of the State is the question. Because, if the conclusion come to is to be dismissed as superficial as in the case of the Salaries Committee, certainly it is not a good thing to the State. For these reasons, I oppose the resolution.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether the Salaries Committee was actuated in the main by the views of the heads of departments who were consulted?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Their views were also considered and also the independent views particularly of the non-official members. The whole question was discussed by them.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Every question will have two sides. One side may be pressed by particular heads of departments. Now, what I wish to know is whether the other side of the question was put before the committee by anybody or any person.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): They were discussed by the non-officials themselves.

MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram* cum *Shencottah*): Sir, my learned friend Mr. Madhava Variar wants this House to appoint another committee to consider the question of further retrenchment in public expenditure. It is a very noble idea to cut down public expenditure as much as possible without following the precept of that poor boy who told his father: "அப்பா அப்பா ஒருபணம் சொட்டி-னேன்", *i. e.*, 'father, I earned one fanam yesterday'. When the father questioned the boy how he managed to earn one fanam so soon, he said "இராமுழுவதும் பட்டினி!" meaning "I starved the whole of last night'

I am afraid the very request of the learned mover to appoint a committee for the purpose will result in additional expenditure of the public money when the object of the mover is to reduce expenditure. I am sorry I am not now in a position to know how many committees are already in existence for various purposes already sanctioned by this House and what amount of money is spent from the public exchequer for the said committee. I am strongly of opinion that the mania—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I object to that word and I want Mr. Karayalar to withdraw the word 'mania'.

[Rao Bahadur K. V. Rangaswami Aiyangar.]

Mr. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): Then I use the word: 'wish'. I am strongly of opinion that the wish to appoint committees is increasing by leaps and bounds. I have my own suspicion that some of the members of this House are already members of several committees and there is a loud talk among the public that the members of this House are earning a considerable amount in the shape of *batta* and travelling allowance in their capacity as members of so many committees—

PRESIDENT: I object to that portion. You must withdraw that.

Mr. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): Sir, I have no objection to withdraw it. For my own part, I have no objection to the formation of any number of committees, provided the honorable members of this House would be willing to serve on the committees as honorary members as we are expected by our constituents whom we have the honor to represent in the Council to work for the good of the public at large. Those who work for the public in all civilised countries as a matter of fact do undergo a good deal of personal inconvenience and also spend a considerable sum of money from their own pockets; and I need not submit to this House the names of the various illustrious men who devote their life and money for the public cause.

If my humble views stated above are acceptable to this House, I have no objection to the formation of any number of committees and I earnestly request my learned brothers to give their hearty support and consideration to my humble views in the matter.

Mr. PAUL V. DANIEL (*Agastisvaram*): Sir, I am of opinion that there is yet scope for further retrenchment and that any suggestion for retrenchment should invariably receive the full sympathy and support of the Government. But I am of opinion that at this stage a separate committee need not be appointed, and that the schemes suggested by the learned members should be placed before the Finance Committee and that ample power and opportunity should be given to the committee to consider the schemes suggested.

Rao Bahadur K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): Sir, I have been listening with very great interest to the debate we have had on the resolution moved by Mr. Madhava Variar, and I wish to offer for the consideration of the House and of Mr. Madhava Variar certain views suggested to me in the course of the discussion. Before I proceed further, I wish to say at the outset that one thing that has bewildered me and which might have bewildered other members also, who may happen to share my limitations, is the manner in which, in the course of the discussion, we have departed more and more widely from the resolution of Mr. Madhava Variar. Mr. Madhava Variar has moved for a committee of officials and non-officials for the consideration of the question of *further* retrenchment.

in public expenditure. But, when I listened to the debate, I found that, as envisaged by many members, the object of this committee is to go into the the question of general principles which are to be laid down for the guidance of the Government in regard to their financial *policy*. We are to consider the question of further retrenchment. We are *also* to consider the question of ways and means, of stimulating the Development Departments to do their work better so as to make the State stand the great stress that it may have to stand in the years to come.

Now, Sir, I quite sympathise with the motion for the appointment of a committee of retrenchment if sufficient reasons are shown for the immediate sanction of such an inquest. I quite sympathise similarly with a motion for the appointment of a committee to look into the question of the financial policy. But in this case we have a kind of association of two such proposals; and in the course of the argument, there has been a certain amount of mutually destructive work done by the supporters of each measure, because some of the arguments used for advocating a wider enquiry are not applicable to support the suggestion for the smaller enquiry. I believe this is the difficulty that has arisen in grasping—in fully understanding—the position of my friend, the Ag. Financial Secretary, when he traversed the whole ground with great thoroughness. The Financial Secretary has been able to point out that if it is a question of going into details, certain details have already been sufficiently threshed out time after time, that for a proper investigation in the remaining matters of detail, a committee that may be appointed will have to sit and go into details of the working of the departments, that no ordinarily constituted committee of the usual dimensions will have the time or opportunity to do this work, and that when you get any ultimate retrenchment, it will hardly be compensation for the amount of time of the official and non-official members that we have expended on the matter. Mr. Velu Pillai very correctly asked whether any kind of expenditure would not be justified if a great public advantage would be secured. I am entirely in agreement with Mr. Velu Pillai in assenting that any expenditure the Government may incur for the purpose of improving financial ways and means, and for the purpose of securing the utmost economic results in the working of the administration cannot be regarded as wasted at all. But the point for us to consider is whether the appointment of a large committee of this nature is likely to result in those advantages which Mr. Velu Pillai, along with the non-officials on his side of the House, desires.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know from Mr. Rangaswami Aiyangar whether Mr. Madhava Variar advocated the appointment of a large committee?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): I think I referred to committees such as those which are now being constituted, and some of the committees are, as Mr. Velu Pillai might speak with experience, sufficiently large to make business not quick enough and precise enough.

[Rao Bahadur K. V. Rangaswami Aiyangar.]

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know whether the question of retrenchment will not cover the changes in the administrative policy which will have the effect of reduction in expenditure?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): I will answer Mr. Padmanabha Pillai's point when I proceed a step further. Sir, my complaint is this, that the issues have been obscured by two lines of argument, one supporting a big financial *inquest* into the *entire* financial *policy* of the State, and an inquest into the *increase* in expenditure in various directions. But, on the other hand, there has been a certain amount of suggestion that definite cuts are possible in various departments and that the outlook of this committee should be restricted to these purposes. My point is that you cannot argue *both* these propositions on one and the same set of arguments. I do not want to elaborate this point any further because I think the members of this House will consider this matter and be able to see for themselves that the two have to be supported on somewhat different grounds.

Proceeding further to the question of the appointment of this committee, it seems to me that the Financial Secretary has made an effective appeal to the advocates of this committee when he pointed out that any analogy that we may get from the experience of places outside Travancore would not apply here. Retrenchment committees are suggested at rare intervals when expenditure has abnormally increased and is likely to increase. For instance, the apprehension very widely entertained that the educational expenditure had been mounting by leaps and bounds was the justification for the appointment in this State of an Educational Retrenchment Committee; and in the same way, when there is a wide spread apprehension that any particular department is getting a great deal more of the public resources than it ought to, there might be some kind of justification for a committee. The general idea that because our *total* annual expenditure has been steadily increasing, therefore there is a necessity for a Retrenchment Committee, is somewhat analogous to the argument that because our population goes on increasing between census and census, we ought to consider whether we should not take means for procuring a stationary population. It seems to me that, in the case of a growing State—a State in which the people have a growing standard of life—it is inevitable that the expenditure will grow as the income also is growing.

In thi particular case, when gentlemen are suggesting retrenchment, they forget, for the time being, or they want to forget for the time being, the income of the State. When they want to suggest retrenchment, they are not prepared to recognise that there is a considerable amount of starvation in various directions and a more liberal treatment is called for. What I wish to urge on the

House is that in this important matter we are to consider whether there is sufficient justification *at the present time* for advocating a committee which has to deal with only one of a multitude of intimately connected matters. I quite agree with Mr. Velu Pillai that it is not possible really to deal with a question of retrenchment with any claim to practicableness *unless* we are prepared at the same time to take up the question of wider financial policy and of the financial policy of the Development Departments and their claims. Then, why ask for retrenchments? In the case of the Inchcape Committee, and in the case of the other similar committees, they have been necessitated by the extravagance alleged in various departments. I do not know whether it has been seriously suggested at any time in this House, either to-day or before, that the Government are not extremely vigilant in this matter. It seems to me that, at the present time, a committee may be regarded as superfluous because everybody who wants to have additional expenditure has apparently to run the gauntlet of at least *five* different sets of opponents. So long as we have a Financial Secretary—I wish to be forgiven for making the reference—I think every head of a department and everybody on the official side and a considerable number of other people will agree when I say that, in blocking departmental applications for grant, the Financial Secretary by himself is sufficiently strong and powerful to be equal to ten retrenchment committees. (*Hear, Hear.*) Whoever is able to induce the Financial Secretary to sanction the expenditure he suggests until a considerable amount of dunning has been done and a persistent pressure has been applied, is a person who is extremely fortunate.

MR. T. K VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Rangaswami Aiyangar whether during the last twenty years the Financial Secretary or his legal predecessor in office has suggested any measure for the improvment of the finances and whether any new item of income has been added as a consequence thereof?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): I think the obvious reply to the question put by Mr. Velu Pillai is a reference to the financial statements and the speeches of the Financil Secretary for those years. I have no hesitation in suggesting that our present finances are the result of the suggestions that have been made, I believe, in the Finance Department.

However, Sir, my point is that at the present time we have as many as five inquests before any expenses are sanctioned, and there are five different opportunities for having not only some obstruction to the passing of a new scheme of expenditure but even to suggest retrenchment. If only the non-official members will, by way of experiment, suggest some expenditure and then feel the weight of the Financial Department, they will feel that a committee is hardly likely to be half as strong as the Financial Secretary is. This is the first inquest.

Secondly, there is a Standing Finance Committee and its work has been fairly effective as has been testified to in our last financial discussion.

[Mr. T. K. Velu Pillai.]

Thirdly, even when the Finance Committee has made a certain number of sanctions, the Government ask for the justification of every bit of expenditure and consequently subject the schemes to further scrutiny.

Again, are we not entitled to take some credit to this Council itself in this work of scrutiny in view of the prolonged discussion we have had, and in view of the very thorough manner in which not only the broad questions of policy in regard to expenditure but also questions of detail have been attacked and treated with very great thoroughness in this assembly? It is that thing which I think will give very strong support to Mr. Velu Pillai when he claimed that there is no step taken in regard to the work of suggesting cuts in expenditure and all that without the Council having a say on it and that the members of this House are quite as able as officials to make valuable suggestions for cuts. It is well-known that the privilege has been in existence and very liberal use has been made of it. The Council thus forms the fourth line of defence.

Lastly, we have the previous enquiries in this matter. Thus we have altogether five reasons for not having anything like a further enquiry immediately. If we are going to have further enquiries in this matter, may I ask how it is possible to give real satisfaction either to the members who constitute these committees and to the Government or to the House itself? There is first of all the impracticability of the work being done within a reasonable period of time. The members of this House have not an unlimited allotment of time. It must be said that non-official members have been extremely generous in this matter and I should not omit to add my testimony in regard to the very liberal way in which they have sacrificed their conveniences. I am sure, if there is a need,—a very real need for exploring our financial position,—the non-official members would be very glad to do it. The question is, are we justified on the evidence that has been put forward before us to-day, which, I may be forgiven for saying, is not of a very strong character, in urging the immediate appointment of a committee for the purpose of taking away so much of non-official and official time without the certainty of our being able to advance in our enquiries to a reasonable extent?

Another point is, what finality will attach to this Committee's findings? The Financial Secretary has largely considered the expenditure. We know that the Finance Committee which has been appointed has not been able to stop the floodgate of criticism against the financial proposals which the Finance Committee has been to some extent at least been shaping.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know if he is aware that the Finance Committee cannot refuse to pay the salary of an officer who has been appointed by His Highness the Maha Raja and who has been working for the previous months of the year?

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*) : I am quite aware of it. What I am suggesting is that it must be conceded—and the gentlemen on the other side will bear testimony to it—that as far as the position of officers who are appointed by His Highness the Maha Raja is concerned, the latitude of criticism that has been given to this House is greater than anywhere else, and shows that the rule has been allowed to be strayed from and interpreted in an extremely liberal spirit. I am entitled to claim on behalf of the Government that there has been no attempt whatsoever to protect such officers and the general financial policy from any kind of criticism; and Mr. Velu Pillai, who has utilised this opportunity more than any one else, must be the first to bear testimony to the liberal manner in which the permission has been made use of.

There will be some further difficulty in having this committee. If there is to be some finality, what finality is it going to be? What we ourselves say here is not going to be final. With our fluctuating possibilities of membership in these days, unless they appoint for *each* Council one Retrenchment Committee and one general Finance Committee if not more, no real finalty can be had. I am reminded of the mental condition of some people who are constantly under the apprehension that all is not well with their neighbours and insist on their undergoing daily medical examination while they seem to be enjoying for all practical purposes very robust health. Unless we are going to be in that position, I do not myself see what advantage is going to be gained by appointing this committee.

On the other hand I admit, the discussion itself is not going to be useless. Mr. Madhava Variar's point is to press once again the need for the utmost vigilance in regard to income and expenditure. If the views of his friends on the other side are that every opportunity should be utilised for making the Government realise their responsibility I urge the object has been gained. I do not believe any head of department here or anybody else wants to increase the peril to which Mr. Kunjitomman referred with so much feeling, namely, the peril of multiplying the number of officers. That is the position. Nobody here is justified in saying that it is otherwise and it is this that makes the whole proposal altogether superfluous. My point, Sir, ultimately, is that the suggestion that has been put forward is for either a very large inquest or for an inquest of a kind which has already been dealt with before, and therefore it is either impracticable or needless duplication.

PRESIDENT: Your time is up.

MR. JOSEPH PANJIKARAN (*Shertallai*): I rise to a point of order. Is there not a time limit to official members?

PRESIDENT: I have a discretion. What Mr. Rangaswami Aiyangar says is important; but I have been calling his attention to time.

MR. JOSEPH PANJIKARAN (*Shertallai*): Certainly, I must submit to the Chair; only I brought it to the notice of the Chair.

[Mr. K. C. Mammen Mappillai.]

MR. K.C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): The members of this House, even when they differ from Mr. Madhava Variar, have learnt to recognise that any proposal coming from him is made with the best of motives and that he is actuated by a single-minded devotion to the highest interests of the State. Therefore one is inclined at the very outset to view any proposal coming from him with a considerable degree of sympathy and approval. The sympathetic speeches delivered by the non-official members of this House in support of this motion are indicative of the extreme solicitude evinced by the representatives of the people for placing the finances of the country on a stable and sound basis. It is admitted on all sides that the financial condition of a State must be guarded always with the greatest vigilance and that as far as possible a balanced budget must be maintained. Whenever there is seen any tendency for expenditure to mount up beyond the resources of the country, the Government as well as the representatives of the people grow anxious and all possible measures are taken to keep the budget within proper limits. Now, the remedy suggested for the great increase of expenditure in Travancore is the appointment of a committee of retrenchment. The appointment of committees for all subjects has, ever since the time of Lord Curzon, been the order of the day. Some of these committees have been very fruitful while others have been comparatively barren of results. After the Legislative Council has been reorganised, we too have had a number of committees. These committees involve a good deal of expenditure and also much dislocation of the work of the officers of Government. Therefore, unless there is great justification and a considerable degree of assurance that the appointment and the working of these committees will be fruitful of adequate results, one should be very reluctant to support a proposition to increase their number. For my part, I have got my own misgivings about the utility in the immediate future of the appointment of the kind of committee advocated by Mr. Madhava Variar. We have had a Salaries Committee very recently; as far as was possible, with the time and the conveniences placed at their disposal, they have done all that they could to place matters on a proper basis. I would here point out that the net result of their labours has been to bring about not any reduction but a considerable increase in the expenditure. Another committee appointed so soon after the recent Salaries Committee may not, in my opinion, be productive of any substantial result to justify the expenditure of time and money involved. If you go on appointing another committee for regulating expenditure or for suggesting retrenchment, it may be said that one way in which we try to cut down expenditure is by appointing some committees which themselves will involve increased expenditure. Moreover, as has been pointed out, a committee in order to be able to make effective recommendations must not be a large or an unwieldy one. One would much more prefer small committees containing experts conversant with the working of each department and

also sometimes one or two non-official representatives who can speak with authority on the subject, taking up the working of each department and suggesting up-to-date improvements or pointing out any defects in the technique or of the machinery of the department. The result of the working of such a committee should not be expected always to bring about a retrenchment; if, in the interest of better administration and efficiency it becomes necessary that there should be more expenditure, the committee should have absolute discretion to recommend increased expenditure; on the other hand, if consistent with efficiency expenditure can be cut down, of course, it goes without saying that all possible expenditure ought to be cut down. It is with this kind of committee that I feel more sympathy than with a committee for overhauling or reorganising all the departments of the State in a lump. That is my personal opinion. And it may be taken for what it is worth. Each may have his own opinions or predilections in the matter.

But as has been pointed out by Mr. Velu Pillai one should like to hear more about possible ways in which the income of the country can be developed. There is a limit beyond which retrenchment is not possible or is not desirable in the interest of efficient administration. I daresay that in several directions we have reached that stage. No doubt, each one of us can point out certain directions in which it may be possible to reduce the expenditure. It is however possible for individuals to point to a few items in expenditure in which reduction may be possible. On the whole, I am of opinion that any substantial reduction in expenditure is not feasible under present circumstances. Therefore, the most urgent and important thing that our Government have to tackle is the consideration of the development of the resources of the country. That is what is being done in Great Britian, by the Imperial Conference. The one cry that we hear is not so much about retrenchment as about the possible development of the resources of the country. There may be different directions, different ways in which progressive Governments are doing that. It is possible for us to take hints from those deliberations and from those conclusions, and from those measures. I do not say that all those deliberations and measures are strictly applicable to conditions in Travancore. But when they are applied to our local conditions and with intelligence and circumspection, I think it would be possible for us to devise measures that may be in some way beneficial to the development of the resources of our country. Now we have not done anything worth mentioning in this matter. I hope in the near future our Government will be able to come out of the ruts in which they have been moving for the last so many years for producing a balancing budget and try to chalk out a bold and new line by which the development of the resources of the country may be promoted. That is the line which I would recommend. I therefore do not consider that, under the circumstances, the time and expenditure involved by giving effect to Mr. Madhava Variar's recommendation is justified.

The Rev. Fr. KURIAKOSE VETTIKKAPALLI (*Todupuzha cum Kunnatnad*): I do not pretend to know all the internal workings of

[Mr. P. K. Narayana Pillai.]

the several departments of the State and whether the present staff is necessary to carry on the administrative work. I know there is a cry in the country that the public service is overmanned. So I think it is in the interest of both the Government and the people to appoint a committee to examine the administrative machinery and see whether any parts of it could be done away with without impairing efficiency. I think that such a step would tend to clear off many misunderstandings and also would help to increase the confidence of the people in the Government and also would tend to the smooth working of the State machinery. I believe that with this object in view the Government have been appointing a number of committees such as the Salaries Committee, the Education Retrenchment Committee and lately the Press Committee and the Workshops Committee and so forth. Soon after the appointment of so many committees I am not for an all-embracing committee like the one which Mr. Madhava Variar advocates. Many of the recommendations made by the committees that have already been appointed have not yet been carried out. So I think we should wait and see a little more; and meanwhile if there is any department in which we see that expenditure is going up by leaps and bounds, a minor committee could be appointed to look into the working of that particular department. We have also, as Professor Rangaswami Aiyangar said, a Standing Finance Committee and then the Council to check the expenditure. At this stage, I would not advocate an all-embracing committee, as suggested by the mover; but if necessary I would advocate some minor committees for those departments in which we see the expenditure is going up by leaps and bounds.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I rise to support the resolution before the House. I am sorry I was not able to listen to our official friends on the other side and the arguments of their allies on this side. (*Laughter.*) But from what I have been able to gather, the objection to the resolution seems to centre round two or three small heads. One objection seems to be this, that in the near past a few committees have been appointed for the purpose of going into and examining the finances of the State. One or two such committees evidently have been appointed. One of such committees was a committee formed by the Efficiency Audit Officer with respect to whose report the Financial Secretary himself on a prior occasion said that he was not prepared to accept the recommendations of that officer. According to the Financial Secretary, he was no expert in the matter. So even the officers condemn that particular report.

Coming to the question of the Salaries Committee, to which reference was made by Mr. Mammen Mappillai we have to bear in mind the limitations under which that particular committee laboured. That committee was a committee which, if I may use a figurative expression, was working in a bell jar from which the air had been practically extracted. That was the position of that committee. Reference was also made to the Finance Committee constituted of a few non-official members of this

House as well as a few official friends. With respect to that committee we had a strange spectacle on the occasion of the recent discussion of the budget here. Mr. G. Paramesvaran Pillai, who happens to be on that committee, complained that he had not the necessary powers to examine and inspect all the items or to suggest his own views on the finances of the State. Mr. Velu Pillai immediately challenged Mr. G. Paramesvaran Pillai's desire for a roving commission of inspection, and reading certain authoritative treatises, pointed out that such a Finance Committee could possibly have no such powers as demanded by Mr. G. Paramesvaran Pillai. Then it was pointed out that this Council itself was at perfect liberty to go into all the finances of this State and that it was not necessary to have a further committee. We clearly realise our own difficulties in that matter, that beyond the one hundred and twenty-five rupees line we are not allowed to peep in. We feel that the restraint placed upon us is a very severe restraint. Accordingly we have to resort to methods which are not of the overt type but of the covert type and try to dislocate the financial arrangements proposed. In many an instance we get repulsed. That is the experience of this House, so much so that, when the Opposition speaks of an examination of the finances of the State, they do not take into consideration the sort of the restraint under which the examination was being carried in the past by the various committees of this House as well as the Finance Committee. As a matter of fact, what is aimed at in the resolution that is now before the House is to have an examination of the whole finances of the State—income as well as expenditure—and then to propose possible methods of retrenchment, to keep in view the correlation between the subordinate services of the State which alone seem to have been subject to repeated examinations as well as the position of the superior stratum in the Government service. Without a correct perspective of the correlated position of these two strata, it is impossible to arrive at a sound policy so far as the question of retrenchment is concerned. It is that view that is now pressed before the House by the resolution that is moved by Mr. Madhava Variar.

Then it was also pointed out all the time, that the labour and the energies to be wasted upon the deliberations of the committee which is under the contemplation of Mr. Madhava Variar will not repay. I beg to submit that a matter of fact the officials profess that the work carried on by the Salaries Committee, by the Finance Committee and the other committees of which mention has been made is really a piece of serviceable work. To that extent and *pro rata*, the difficulties and energies of the committee yet to be appointed will be minimised. Therefore, it is no good exaggerating the possible labours of a committee to be appointed for the complete examination of the finances of the State.

Then it was also asked whether there was certainty that further room could be found for possible retrenchment. This is not a matter which is to be viewed as a sanction to prosecute which is granted only when there is an assurance that a conviction will generally result. That is not the spirit in which the whole question is to be viewed. We seek to convince the Financial Secretary and those who are in the

[Mr. G. Paramesvaran Pillai.]

know about the question. We are kept outside that particular matter. We want to have a thorough examination. Now you give only certain results. We want to have a look into the whole question, and if as a matter of fact when on examination you are on sound and tenable position, all right. There would be a resultant satisfaction that what is being done in the matter of finance is properly done. If on the other hand it is possible to pick holes and suggest substantial reductions in the expenditure, then why do you not allow the country to have a voice in the matter? That is the spirit in which the resolution is put before the House; and I request at least the non-official section of the House to pay their serious attention to the question at issue. With these observations, I heartily support the resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I wish to refer to one or two points that have been commented upon in the course of the debate. Reference has been made in this connection to the work of the Finance Committee. During the last budget discussion, I referred to that point to show that it has not been possible for the Finance Committee to examine schemes of retrenchment in a satisfactory manner. The State Budget to be presented before the Legislative Council in the first week of Karkadakam is placed before the Finance Committee for examination during the previous week. The hurried examination of departmental budgets from day to day cannot certainly be expected to serve the needs of the resolution that is tabled before the House to-day. Ever since the constitution of the Finance Committee, I might say that there has been no opportunity whatever for us to discuss any scheme of retrenchment in regard to any particular department. It is up to the Government to place before the Finance Committee schemes which may be discussed by that committee. I have not received any assurance from the Financial Secretary in the course of the debate this evening that such schemes of retrenchment will be prepared in respect of particular departments and will be placed before the Finance Committee for detailed examination; and in the light of the observations made by him it is impossible for us to expect that he ever intends to make any such scheme available to the Finance Committee, because the attitude of the Government bench and that on this side of the House in regard to the matter are mutually exclusive. We think that further retrenchment is really possible and ought to be made or at least a fair examination ought to be held in that respect. But the Financial Secretary says that here and there it may be possible to effect some retrenchment or other, but that after all it is not worth making. It is a positive assertion on the one side that all possible retrenchment has been effected in respect of public expenditure and it is a positive assertion on this side that there is still ample scope left for further retrenchment being made. In that view, it is certainly impossible for us to expect any definite scheme of retrenchment being placed before us in respect of any particular department by the Government. Now the main reason for demanding the appointment of a Retrenchment Committee

appears to me to be due to the fact that the Government themselves are not convinced that there is any possibility of any further substantial retrenchment and Government cannot therefore be expected to place any constructive scheme before the Finance Committee. Let us appoint an independent committee with the object of examining the question without the predilections of either the Government bench or the non-official opinion. In that spirit I should certainly support that resolution. It has been stated by Mr. Nilakanda Pillai that it was quite possible for departmental heads to convince the Committee that, after all, they have effected all possible retrenchment worth mentioning. In that case the cry will stop. A detailed examination of the whole question will satisfy us. Let us try the experiment and let us be given an opportunity to ascertain the exact situation. That is all that we ask for. And that can be done either by the Finance Committee being empowered to go into that question or a committee being appointed independent of it. I suppose the question still remains unsolved and I must take exception to two statements made in regard to such committees. There is the demand. It was suggested that, after all, the result of the labours of that committee may not inspire any confidence. Now I had better leave that question alone. I suppose that Government when they appoint such committees expect honest work at their hands. I suppose also that when the representatives of this House say that a representative committee should be appointed, it is with a view to see that their labours are fruitful of good results. Certainly their confidence has been rightly placed on their own representatives and it is not open to any member of Government to state that their opinions will not inspire confidence.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I rise to a point of personal explanation: What I said about it was that, so long as the Salaries Committee which was originally composed of officials and non-officials, all except one of whom are also members of this Council, if the work of that committee could be treated as flimsy, there is no reason why, if a similar committee be appointed for the purpose now, their recommendations should not be dismissed likewise.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkarai*): I see he did not put forward his argument seriously. He must have been influenced more or less by the criticisms offered by the members of this Council on the Salaries Committee's report. I do not think that any member of this Council ever said that they did not attach any value whatever to the recommendations of the Salaries Committee.

One other observation and that in conclusion I wish to make is this. It was rather lightly stated by one of my friends on this side of the House that ever so many committees are appointed and that these committees involved a lot of expenditure and that they caused considerable dislocation of work. I should consider that, if this Council ought to be of service to the public and to the country in general, that end can be

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achieved more by useful work done by the committees of this Council than by the discussions carried on in this very House. Any practical measure can be carried out only by committees of this House sitting separately upon these questions and bestowing their mature consideration, rather than coming over here with insufficient materials and imperfect knowledge and stating their dogmatic views upon questions of vast importance. I would, therefore, earnestly request the members of this House to realise that substantial work could be done and is elsewhere turned out by small, competent and properly constituted committees and that ought to be our aim. I should certainly view with regret the sort of criticism that has been levelled against the appointment of committees of this House and the work turned out by them and I oope such criticism will not find any favour whatever from members on this side of the House.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I have only to say a word or two in this matter. I think, considering the importance of the subject, it is absolutely necessary that we should give the matter all the consideration that it deserves. I stand now to give my full support to the proposition now before the House. The main objections from the Financial Secretary, as far as I was able to understand, to the appointment of a retrenchment committee are, in the first place, his opinion that, unless the Government is faced with a serious deficit, there will be no case for the appointment of a retrenchment committee. As instances, he pointed out the retrenchment committees appointed by the Mysore Government as well as the Inchcape Committee appointed by the British Government and justified those appointments on the ground that, at the time those committees were appointed, those Governments were confronted with great deficits. The second argument of his was that after all out of Rs. 190 or Rs. 194 lakhs which constitute the expenditure of the State for a year, over Rs. 80 lakhs of rupees form inevitable or necessary expenditure which cannot be cut down or interfered with by the Government and therefore the rest of it is alone open to cuts of retrenchment. And in regard to the rest he stated that the Salaries Committee was appointed by the Government to look into the matter and that that committee's reports having been considered by the Government, there was no case for the appointment of a committee of retrenchment. Mr. Rangaswami Aiyangar urged also another reason as to why no committee need be appointed, and that is that a case for the appointment of a retrenchment committee can only arise when the expenditure in particular departments has been going up by leaps and bounds or to an abnormal degree, when it is required of the State to appoint a committee to look into the matter and see how far that expenditure is absolutely essential or not. According to him, no case had been made out for a retrenchment committee. As an instance he pointed to the Education Retrenchment Committee which he justified on the ground that at the time that committee was appointed the educational budget had risen to an abnormal degree and therefore there was need to scrutinise that budget.

MR. K. V. RANGASWAMI AIYANGAR (*Professor of History and Economics*): May I rise to a point of correction? I said a *feeling* existed and not that a need had arisen.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Thank you.

Now, are we to understand from these arguments that there are not circumstances justifying the appointment of a Retrenchment Committee? Take for instance a case which has been before the Council. That is, there is a feeling in the country that the top service of the Government at any rate is very much overmanned. There is a feeling that the salaries of some officers are much higher than they should be and that several appointments have been created not because there was need for those appointments but for the purpose of providing places for certain persons, *i. e.*, appointments have been created for certain persons and not persons have been appointed to places.

Several such instances have been brought before the House by the learned mover of the resolution himself.

PRESIDENT: I do not think he mentioned any specific instance.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): He mentioned certain directions—

PRESIDENT:—in which according to him retrenchment was possible—

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*):—by reducing the number of appointments in certain departments.

Now if there is a feeling in the country that there is a possibility of reducing expenditure by abolishing certain appointments and reducing the salary of some of the higher officers, are we to suppose that, because there is no deficit and the State is able to pay these extravagant salaries of the unnecessary officers that the State may still incur, we should not consider the question as to whether those appointments are necessary and whether those salaries could not be cut down? In such cases, are we to understand the learned Financial Secretary to mean that so long as the State is able to bear all expenses, we need not consider whether these appointments are necessary, whether the money is properly spent or whether the money is being wasted—that those things need not be considered so long as the State is able to pay without arriving at a deficit? Certainly I do not think they will lay down such absurd principles, and it appears to me that if there is such a feeling and if a proper case is made out in regard to that, the Financial Secretary himself will be the first person to say that the Financial department will go into the question. If that is so, Sir, we have to consider this question from two standpoints, *i. e.*, it is not enough to say that we have been able to cleverly adjust the income and expenditure of the State, to make a balanced budget, as it were, from year to year, and that, therefore, no further enquiry into the way in which the finances of the State are being acceptable need be made.

[Mr. M. R. Madhava Variar.]

But we have to meet two objects. In the first place we have got this feeling and this persistent cry that there is possibility of retrenchment in the matter of appointments as well as in the matter of development of resources. There is also the other thing, that before long the Government will have to commit itself to spend very large sums of money for the progressive development of the country. Some of those directions have been pointed out, such as universal primary education, the establishment of a University, the development of industries and so forth. When the Government have got to meet this expenditure, there will be no money unless new resources are tapped and the present expenditure of Government is considerably curtailed. For these two reasons—in the first place the existence of this feeling, and secondly the need for the proper development of the state, which requires large sums of money for the Development Departments of the State—it is necessary that we should look into the matter and see whether any retrenchment is possible on the expenditure side and also see on the other side whether there are not resources that should be tapped and developed properly. For these reasons, I strongly support the proposition now before the House.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): From the speeches which I heard from some of the learned members of this House, I am led to believe that there is some misapprehension with regard to the scope of my resolution. The purport of my resolution is to consider further possible retrenchments in public expenditure. I am aware that the Salaries Committee have made certain recommendations with regard to the reduction of salaries in the public services. But that committee concerned itself only with the question of salaries and that too with the salaries of only certain persons and the terms of reference to the Salaries Committee were limited and the above committee were not able to consider the questions of decentralisation, redistribution, amalgamation with other departments or such other wider questions concerning the financial policy of the State. So, the report of the Salaries Committee does not help us very much in the consideration of the resolution before the House. Then one important objection to my resolution is that this contemplates an all-embracing committee. I do not know how committees appointed to inquire into the working of a separate department can comprehensively state the policy of the State with regard to finance. There is a Press Committee; there is a P. W. D. Committee. These committees will say all about the details of the Stores or the Press. These committees cannot comprehend a wider outlook of the financial policy or cannot formulate broader schemes of financial importance. That is why I suggested the constitution of an all-embracing committee. I think that the expression "all-embracing" has been misunderstood. It does not mean a large committee. It does not exclude the Finance Committee. Some members suggested that there is a Finance Committee. Why do you want another committee? All right. Invest

the Finance Committee with the powers of retrenchment. I am quite satisfied and I think the Finace Committee can make very good suggestions with regard to retrenchment. It ought to be invested with very much larger powers. Then the object of my resolution will be fulfilled by the Finance Committee. Some of my friends suggested: "why do you spend so much money upon committees?" Then it is better to appoint one committee. This committee can enquire into the working of each department separately. This committee could formulate certain broad schemes and enunciate broad policies. That is not the object of the minor committees. Then some of my friends asked what is the use of appointing a retrenchment committee when all the recommendations of that committee will not be accepted by the Government. The recommendations of the Inchcape Committee were not completely accepted by the British Government. So also the recommendations of the Mysore Retrenchment Committee. Then what is the use of appointing committees whose recommendations may not be accepted by the Government in *toto*. I think that is hardly the kind of argument to be advanced in an assembly like this. If Government are not prepared to accept the recommendations of a committee, well then, the only conclusion to be drawn is that the Government is not responsible to the public. The object of my resolution is to show that there is a feeling in the country that the Government expenditure is sometimes extravagant and the public service can be improved. The people must be satisfied; and the only way of satisfying the people is to constitute a committee to enquire into the questions of retrenchment. Mr. Rangaswami Aiyangar was arguing that we have got a bold Financial Secretary and asked us to believe him. He is very extravagant. In this age of democracy when people want to know every step taken by Government I think we are not going to convince ourselves by the Financial Secretary's statement. I want to assure Mr. Rangaswami Aiyangar that the members of this Council are not going to be convinced by his arguments. That argument itself shows that there is further scope for retrenchment. The Salaries Committee was satisfied with the opinions of certain departmental heads. They sent questions to certain departmental heads who wrote back certain answers. Those answers were discussed in the committee and they were quite satisfied. They never cared nor did they have any opportunity to cross-examine departmental heads to convince the Government that the expenditure could be reduced. That is the sort of committee which I propose by this resolution.

Then Mr. Mammen Mappillai was saying that the development of resources was needed more than retrenchment. I advocated a policy of retrenchment in order to find more funds for the development of resources. I have clearly pointed out that too in my first speech. With these few observations, I would like to press the motion.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Sir, I have very little to add to what I have already stated. I never said that retrenchment is not possible. My predecessor, Mr. George, has already stated that retrenchment is possible here and

[President.]

there and that Government are doing all that is possible to effect retrenchments. The Rev. Father Vettikkapalli has stated that the Workshops Committee and the Press Committee are small committees and that the proposed committee will naturally be an unwieldy one. As a matter of fact the proposed retrenchment committee will have to deal with various departments and as such it will, in the ordinary course, take a very long time to submit its report.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): What is the maximum amount of time required for this ?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Probably it will take two or three years, since it covers so many departments.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know what time the Geddes Committee took ?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I have no definite information.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): And the Inchcape committee ?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): It took some 3 or 4 months. I have already stated that some of the recommendations of the committee were found to be impracticable in actual working.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether the Financial Secretary is aware that the Mysore Government had appointed a committee in 1909 and that it was sitting for a long time ?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I am only aware of the recent Special Finance Committeee appointed in 1922.

MR. G. PARAMESVARANN PILLAI (*Neyyattinkara*): May I know why the Financial Secretary apprehends that there will be conflict of opinions and impracticable recommendations.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): That is the general experience elsewhere.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We do not want anything extraordinary here.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Mr. G. Paramesvaran Pillai stated that the budget is not presented sufficiently early for discussion in the Finance Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is not my point.

PRESIDENT: He said that the Finance Committee had to examine the budget in haste.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): It is to some extent inevitable as we have to embody ten months' figures in the budget. Mr. G. Paramesvaran Pillai wanted an assurance that all retrenchment schemes would be referred to the Finance Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What I said was that no definite scheme of retrenchment was placed before the Finance Committee. I was not particular that a committee should be appointed if definite schemes were placed before the Finance Committee and if they were given sufficient time to examine particular departments.

PRESIDENT: I do not think there can be any objection to that.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): Mr. George has already stated that all new schemes will be placed before the Finance Committee.

PRESIDENT: He speaks of retrenchment schemes and not new schemes.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): All retrenchment schemes will be placed before the Finance Committee.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Has any retrenchment scheme been placed before the Finance Committee?

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): I think such schemes were placed.

MR. JOSEPH PANJIKARAN (*Shertallai*): Hereafter the Financial Secretary must at least give us an assurance that future retrenchment schemes will be placed before and discusssed by the Finance Committee.

PRESIDENT: Under the constitution there is nothing to prevent such schemes being considered by the Finance Committee. I think there has not been enough time for formulating and placing such schemes before the Finance Committee.

MR. R. NILAKANDA PILLAI (*Ag. Financial Secretary to Government*): In this connection, I may say for the information of the House that according to the latest figures available the surplus of last year amounts to nearly Rs. 8 lakhs.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has any financial forecast been made of the probable addition to public revenue that we may have for the next twenty years?

PRESIDENT: That is not quite relevant to the resolution in hand.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I will explain its relevancy. When I was speaking I urged that the resolution should not only be accepted but also extended. But the appointment of a committee would thresh out several matters connected with finance. I leave the question to you.

PRESIDENT: I now place the resolution before the House.

The Resolution was put to the vote and lost, 15 voting *for* and 23 *against*.

MR. N. RAMAKRISHNA PILLAI: (*Vaikam* cum *Ettumanur*): Sir, I demand a poll.

A poll was taken with the following result:

AYES 15.

Mr. T. M. Chidambaratanu Pillai
,, A. Govinda Menon
,, C. P. Kochukunju Pillai
,, S. Krishna Aiyar
,, T. Kumara Pillai
,, M. R. Madhava Variar
,, P. K. Narayana Pillai
,, M. N. Pillai
Mr. N. Padmanabha Pillai
,, Joseph Panjikaran
,, K. Paramesvaran Pillai
,, G. Paramesvaran Pillai
,, N. Ramakrishna Pillai
,, K. Dominic Tomman
,, T. K. Velu Pillai

NOES 23.

Mr. I. C. Chacko
,, Paul V. Daniel
,, R. Dhanukoti Pillai
,, L. C. Hodgson
,, M. K. Khadir Pillai
,, R. Krishna Pillai
Dr. N. Kunjan Pillai
The Rev. Fr. Kuriakose Vettikkapalli
Dewan Bahadur Dr. P. N. Lakshmanan
Mr. T. Lakshmana Pillai
,, K. C. Mammen Mappillai
Mr. K. V. Natesa Aiyar
,, R. Nilakanda Pillai
,, S. Paramesvara Aiyar
,, P. Paramesvaran
,, W. H. Pitt
,, C. Ramankunju
,, M. Raja Raja Varma
Rao Bahadur K. V. Rangaswami Aiyangar
Mr. S. C. H. Robinson.
,, V. Subba Aiyar
,, S. Subrahmanya Karayalar
,, A. J. Van Ross

The resolution was lost.

PRESIDENT: We will now rise and meet again at 11-30 to-morrow.

The House rose at 5-43 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION 1099.

Friday, the 2nd November, 1923.

(*OFFICIAL REPORT.*)

The Council met in the Victoria Jubilee Town Hall at Eleven Thirty-six of the Clock. The President was in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Revision of Salaries in the Sanskrit College and the Curator's Office.

50. Mr. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (*a*) Is it a fact that Government sanctioned increments of pay to the staff in the Department for the Preservation of Oriental Literature as per report of the Salaries Committee in the following manner, *viz*:

Rs. 25 to 50,
,, 40 ,, 70,
,, 70 ,, 100?

(*b*) Is it a fact that, when they sanctioned similar increments in the Sanskrit College, only the following scales were allowed, *viz*:

Rs. 50 to 60,
,, 60 ,, 70,
,, 70 and
,, 100 ?

(*c*) Are not the qualifications of pandits in these two institutions more or less equal?

(*d*) Is the rate or scale of increment sanctioned in the Sanskrit College less than or equal to that recommended by the Salaries Committee?

(*e*) Were the Principal of the Arts College and the Curator in charge of the Department for the Preservation of Oriental Literature consulted when the scales of pay were revised in those institutions?

G. P. T. 1304. 310. 4-12-23.

[Mr. S. Paramesvara Aiyar.]

(*f*) Did the Government consult the Principal of the Sanskrit College when the scales of pay for the staff of that college were revised?

(*g*) Has the Principal of the Sanskrit College complained that the rates of increments to his college staff were not sanctioned as recommended by the Salaries Committee?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The old and the revised scales of pay of the staff of pandits in the office of the Curator for the Preservation of Oriental Literature and in the Sanskrit College, and the proposals of the Salaries Committee are given below:—

(*a*) *Office of the Curator for the Preservation of Oriental Literature.*

Old scale.	*As proposed by the Salaries Committee.*	*Revised scale.*
1 Head Pandit on Rs. 50-5/1-75.	1 Head Pandit on Rs. 70-5/1-100.	1 Head Pandit on Rs. 70-5/1-100
2 Pandits on Rs. 40.	3 First Grade Pandits on Rs. 50-5/2-70.	4 Pandits on Rs. 50-5/1-70
2 Assistant Pandits on Rs. 30.	3 Second Grade Pandits on Rs. 40-2/1-50.	5 Assistant Pandits on Rs. 40-2/1-50.
2 Assistant Pandits on Rs. 25.		
3 Scribes on Rs. 25.	3 Scribes on Rs. 25-5/2-40.	

(*b*) and (*d*) *Sanskrit College.*

1 Pandit on Rs. 70-5/1-100.	3 Chief Pandits on Rs. 70-5/1-100.	2 Senior Pandits on Rs. 70-5/1-100.
2 Pandits on Rs. 50-5/1-70.	3 Assistant Pandits on Rs. 50-5/2-70.	1 Chief Pandit on Rs. 50-5/1-70.
3 Assistant Pandits on Rs. 40-5/2-50	1 Sahitya teacher on Rs. 50-5/2-70.	3 Assistant Pandits on Rs. 40-5/2-60.
1 Sahitya teacher on Rs. 50-5/1-60.		1 Sahitya teacher on Rs. 50-5/1-70.

(*c*) The Public Service Notification exempts the Head Pandit, Pandits and Assistant Pandits of the Curator's office from the rule regarding minimum educational qualification, while the Pandits and Assistant Pandits in the Sanskrit College (*Sastra* Department) have to be Mahopadhyayas under that notification. In practice, however, the qualifications of pandits in both the institutions are more or less the same.

(*e*) The Director of Public Instruction and the Curator for the Preservation of Oriental Literature were consulted before the Government passed orders.

(*f*) The Principal of the Sanskrit College was not consulted, as he is not the head of his department.

(*g*) He has complained to the Director that, in the case of one particular post, the recommendation of the Salaries Committee has not been accepted by Government.

Vernacular Text-Book Committee.

51. Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Will the Government be pleased to lay on the table a statement showing:

(1) the names of the members of the Malayalam Text-Book Committee for the last ten years;

(2) the number of years during which each served on the Committee;

(3) the names of the books, if any, of each of the members, prescribed or approved in English as well as in vernacular schools, during the tenure of their membership;

(4) the classes for which each of these books was prescribed or approved;

(5) the number of years these books were considered as text-books;

(6) the date of publication of each book; and

(7) the date of each being prescribed or approved as a text-book by the Committee?

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) and (2) The Government *Almanac and Directory* from 1918 onwards contains the required information. There is no Text-Book Committee for Malayalam alone; nor was there any separate Text-Book Committee for the vernacular languages before 1917.

(3), (4), (5) and (7) The member is referred to the Education sheets of the *Government Gazette* dated 6-3-1917, 13-3-1917, 10-4-1917, 15-5-1917, 5-6-1917, 18-9-1917, 12-2-1918, 20-3-1918, 16-4-1918, 7-5-1918, 16-7-1918, 3-9-1918, 11-2-1919, 13-5-1919, 20-5-1919, 3-6-1919, 24-6-1919, 15-7-1919, 13-4-1920, 20-4-1920, 18-5-1920, 1-6-1920, 15-6-1920, 13-7-1920, 17-8-1920, 19-4-1921, 10-5-1921, 17-5-1921, 24-5-1921, 14-6-1921, 20-9-1921, 16-5-1922, 30-5-1922, 6-6-1922, 13-6-1922 and 1-5-1923.

(6) Government have no information.

Arrears of Abkari Kist.

52. Mr. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state the amounts written off during 1097 and 1098 on the recommendation of the Excise Commissioner on account of arrears of *kist* due from the holders of arrack and toddy shops who had defaulted payment and the reasons advanced by the Excise Commissioner for making such recommendations?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): As regards the amount written off during 1097, the member is referred to page 34 of the *Administration Report* for 1097. The figure for 1098 is Rs. 4,476. The amounts were written off as the defaulters were found to possess no property from which the arrears could be recovered.

Re-auctioning of Arrack and Toddy Shops.

53. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): (*a*) Will the Government be pleased to state how many arrack and toddy shops had to be re-auctioned for default of payment of *kist* in 1097 and 1098?

(*b*) What was the fall in the bid incurred by conducting such re-auction?

(*c*) What amount had to be written off in accordance with the recommendation of the Commissioner from the amount of arrears due to the failure of payment of *kist*? Will the Government be pleased to state what explanation the Commissioner has for the same?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) 27 arrack shops and 5 toddy shops were re-auctioned in 1097 and 33 arrack shops and 10 toddy shops in 1098, for default of payment of *kist*.

(*b*) The fall in the bid at the re-auction was as below:

	1097.			*1098.*		
	Rs.	Chs.	C.	Rs.	Chs.	C.
Arrack	12,737	7	5	1,545	0	0
Toddy	2,020	0	0	280	0	0

(*c*) The member is referred to the answer given to question No. 52 by Mr. M. N. Pillai.

Students Debarred from Attending Colleges.

54. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to re-consider the case of those students who were debarred from attending colleges by the Madras University on account of the students' strike and recommend to the University the remission of their punishment?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The matter is one between the Principal of the College and the University.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to ask the Principal to reconsider the question?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is there. It is a matter entirely between the Principal of the College and the University, in which the Government cannot take any initiative.

Supply of Drinking Water in Trivandrum.

55. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to place on the table a statement containing full particulars regarding the action taken or proposed to be taken by them for the supply of pure drinking water in Trivandrum?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A scheme for the supply of water to the town from Aruvikkara has been received by Government from the special officer deputed for the investigation. Another scheme for the supply of electricity to the town by using the water-power at Aruvikkara has also been received from the Government Electric Engineer. The feasibility of a combined scheme for the supply of electricity and water to the town is being examined by the Chief Engineer.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to state approximately what further time will be required for giving us the conclusions of the Government in regard to this matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not possible to say definitely just now.

Criminal Appeals in the Devicolam District Magistrate's Court.

56. MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state how many criminal appeals were filed in the court of the Devicolam District Magistrate and how many disposed of by the Devicolam Commissioner in his capacity as District Magistrate during 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Two.

Criminal Cases in the Devicolam District Magistrate's Court.

57. MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): Will the Government be pleased to state how many original criminial cases were filed in the Devicolam District Magistrate's Court and how many tried and decided in the said court during 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Eleven.

Extension of Paddy Cultivation.

58. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Will the Government be pleased to state what steps they have taken in pursuance of the following G. O.'s referred to in the answer to question No. 116 asked at the meeting of the Legislative Council held on the 10th Vrischikam, 1098, regarding the extension of paddy cultivation in the State:

[Mr. S. Paramesvara Aiyar.]

(i) G. O. No. 1444/F. and M. R., dated the 18th April, 1917;
(ii) G. O. No. 930/L. R., dated the 8th February, 1920; and
(iii) Dis. No. 1197 of 22/Revenue, dated the 2nd November, 1922.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement * supplying the information required by the member is appended.

Import of Tobacco into Travancore.

59. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Will the Government be pleased to furnish a statement containing the following information:

(i) the quantity of tobacco (Jaffna, Coimbatore and Tinnevelly) imported into Travancore during the last twelve years; and

(ii) the total quantity of snuff, cigars, cigarettes, *beedies* and other kinds of Indian manufactured tobacco imported during these years?

(*b*) What is the estimated amount of money sent out of the State on account of the purchase of these commodities in each of these years?

(*c*) Have the Government made any investigation as to whether there is any place in Travancore suited for the cultivation of tobacco? If not, do the Government propose to have tobacco cultivated in Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) (i) and (ii) Statements † giving the required information are laid on the table.

(*b*) The money value of these imports for 1097 is Bh.Rs. 47,40,436. The figures for the other years are not available.

(*c*) The question is engaging the attention of the Government.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know how the money value for 1097 was arrived at with regard to part (*b*)?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is based on the tariff value of the several species of tobacco imported.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know why the figures for the other years are not available?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): They are not just now available. If the member wants those figures they will be called for.

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* *Vide* Appendix I—page 248.

† *Vide* Appendix II—page 253.

Maintenance of Village Roads in the Muvattupuzha Taluk.

60. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*) :

(*a*) Will the Government be pleased to state why several of the village roads in the Muvattupuzha taluk which used to be maintained in the past years were not maintained in 1098?

(*b*) Will the Government be pleased to arrange for the speedy repair of these village roads which were not maintained in 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) This was done with a view to utilise the maintenance grant for the conversion of some of the more important and frequented village roads into cartable roads. In 1098 alone, about 14 miles of such village roads in the Muvattupuzha sub-division were so converted into cartable roads.

(*b*) Yes.

Renewal of the Abkari Contract with Mr. Nadar.

61. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether it is true that the contract for the three taluks of Parur, Alangad and Kunnatnad, as also Shertallai, has again been given to Mr. Nadar without a Government notification or a public sale?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): If the member refers to the next biennial contract, that is, for 1,100 and 1,101 M. E., the answer is in the negative.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to say whether it is true that the contract for the three taluks of Parur, Alengad and Kunnatnad, as also Shertallai, has been given to Mr. Nadar without a Government notification or public sale for the years 1098 and 1099, and if so, why?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

This question was answered at a previous session when it was stated that, on a fair calculation of the reasonable rentals, the contract for these taluks was given to Mr. Nadar.

MR. A. HOOGEWERF (*Nominated*): Was any notification put up?

PRESIDENT: It has been answered at a previous session and you may refer to that answer.

Monopoly System and Sale of Salt in Trivandrum Depôt.

62. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

a) what the cause for the abolition of the monopoly system in regard to the supply and sale of salt in the Trivandrum Depôt was;

(*b*) why the storage and sale of salt by Government were restored in the same depôt last year;

[Mr. A. Hoogewerf.]

(c) whether a recognition of the evils of the supply and sale system by an individual contractor was not the cause of the revival of the Government sales in the above depôt ; and

(d) whether the salt concerned has been analysed with a view to see whether it is fit for human consumption, and if not, whether the Government will be so good as to order such analysis?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Government are not aware of the introduction of the monopoly system in the Trivandrum Depôt at any time.

(*b*) The system of storage and sale of salt by Government was restored in the depôt from the 1st Vrischikam, 1097, as it was found that owing to the closure of the depôt the price of salt in Trivandrum had risen.

(*c*) The answer is in the negative.

(*d*) Only salt fit for human consumption is sent to the depôt for sale.

MR. A. HOOGEWERF (*Nominated*): What was the system that prevailed in the Port Depôt, Trivandrum, before the present system of sale and storage was restored in 1097?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The old system was stopped in Makaram 1095.

MR. A. HOOGEWERF (*Nominated*): With reference to part (*g*) how was it tested?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Excise Commissioner has satisfied himself.

MR. A. HOOGEWERF (*Nominated*): How was it tested? If so, when and where?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): This has been answered at a previous session, when it was stated that the salt was tested by the Chemical Examiner.

MR. A. HOOGEWERF (*Nominated*): My question is how it was tested.

PRESIDENT: It has already been answered.

Salt Manufacture.

63. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) the area under salt cultivation up to the end of 1093 and up to the end of 1098, respectively;

(*b*) the increase in the output of salt during these five years;

(*c*) what the average yield per acre is;

(*d*) whether there is no scope for the further development of the salt industry in south Travancore;

(*e*) whether Government propose making any experiments to see if salt can be manufactured in the Kayankulam and other backwaters in central and north Travancore;

(*f*) whether the Government are aware that salt used to be manufactured in Kayankulam before;

(*g*) whether, even if the salt that can be manufactured there is not of superior quality, it cannot be used for fish-curing and manurial purposes; and

(*h*) whether transport and other charges will not be greatly reduced on the salt so manufactured?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The area under salt cultivation at the end of 1093 was 380·08 acres, and at the end of 1098, 427·81 acres.

(*b*) For the years 1093 to 1097, the member is referred to the Administration Reports for those years. The increase in 1098 was 1,32,119 maunds as compared with 1097.

(*c*) 1,300·28 maunds in 1098.

(*d*) Yes, at the Rajakkamangalam *allom* when the protective works at the bar are completed.

(*e*) The past experience of Government shows that there is nothing to be gained in making further experiments.

(*f*) Yes, till 1040 M. E.; but the salt produced there was of a very inferior quality.

(*g*) It cannot be used for fish-curing; and, in the opinion of Government, it would not pay to produce it for manurial purposes. But Government have no objection to private persons manufacturing salt from the backwaters of central and north Travancore, subject to the Salt Regulation and the rules thereunder.

(*h*) This question does not arise in the light of the answer to part (*f*).

MR. A. HOOGEWERF (*Nominated*): With reference to part (*e*), when were the experiments made, by whom, what was the nature of the experiments and what the results?

PRESIDENT: The answer is that the past experience of Government shows that there is nothing to be gained in making further experiments.

MR. A. HOOGEWERF (*Nominated*): I want to know when these experiments were made, where these experiments were made, by whom, and the nature of those experiments.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): By various private persons up to 1040 M. E.

MR. A. HOOGEWERF (*Nominated*): With regard to (*g*), was it ascertained after experiments?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

[Mr. A. Hoogewerf.]

MR. A. HOOGEWERF (*Nominated*): By whom and when? *Laughter.*)

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is what the Excise Commissioner says. If further information is needed, it requires notice.

Land Customs Regulation.

64. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) when the Land Customs Regulation was passed;

(*b*) whether any rules under the Regulation have been framed as yet;

(*c*) if they have not been framed, how the Regulation is being worked; and

(*d*) whether a special officer was not deputed to Madras to acquaint himself with the rules and the working of the Regulation in Madras, and if so, when?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Land Customs Regulation was passed in 1091. No rules, notifications, forms, *etc.*, have yet been published under the Regulation except rules under Section 13 relating to licenses for the storage of dutiable goods at or near the frontier for sale. With a view to remedy the defect, Mr. T. V. Ramakrishna Aiyar, Assistant Excise Commissioner, was entrusted, in 1097, with the work of drafting the rules, notifications, *etc.*, under the above Regulation. He was permitted to visit Madras, Pondichery and British Cochin to study the working of the Customs Rules in the Customs houses in those places and to prepare and submit draft rules for the approval of Government. He has accordingly submitted them to the Excise Commissioner who is scrutinising them before submission to Government.

MR. A. HOOGEWERF (*Nominated*): My question in part (*c*) has not been answered. How is the Regulation worked?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): With the help of the rules framed under section 13. They are the only rules so far framed. There are also the provisions of the Regulation and with their help the law is worked at present.

Private Practice of Medical Officers.

65. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether it is true that medical officers who treat well-to-do private patients and receive big fees from them give them medicines from hospitals, when they can afford to buy medicines from outside?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Medicines are given free to well-to-do patients also to the extent available in the hospitals.

Alleppey Commercial Canal.

66. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) the total length of the Alleppey canal known as the *Alleppey Commercial Canal*;

(*b*) what portion of this canal has been completed, and how much still remains to be completed;

(*c*) when the work of improvement of this canal was begun, and when it is likely to finish;

(*d*) the amount spent till now on the improvement of the canal, and the amount likely to be spent for completing its improvement; and

(*e*) whether the unfinished portions have been maintained from year to year, and if so, what the amounts spent on the improvements during 1097 and 1098 are?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) 2½ miles roughly

(*b*) 1 mile and 271 running feet (except for a short length on one side in the third section); 6 furlongs remain to be done.

(*c*) Medam 1086. It is likely to be finished in about five years.

(*d*) The amount spent till now is Rs. 4,85,000. About 3 lakhs more will be required to complete the improvements.

(*e*) Yes. The expenditure on the maintenance of the unfinished portion of the canal was Rs. 663 in 1097, and Rs. 560 in 1098 including the finished portions.

Appendix I.

Vide Answer to Question No. 58.

Statement *re* Extension of Paddy Cultivation.

(1) *G. O. No. 1444/F. & M. R., dated the 18th April, 1917.* Under this G. O., 8 blocks of land were ordered to be disafforested and thrown open for registry. The names of the blocks, their situation and area, and the action taken in regard to each, are shown below:—

Serial No.	Name of block and approximate area.	Situation.	Action taken.
1	Mannavan-kandam (1,000 acres)	Malayattur Reserve.	This block was disafforested, and when surveyed, it was found to measure only 568·67 acres. It has been decided that the disposal of the land should be under the Land Colonisation Scheme, draft rules regarding which have been published in the *Gazette* for public criticism.
2	Pandupara *Palapalli* (125 acres)	Do.	This block has been disafforested, but the disposal of it has been ordered to lie over till the Adirappalli Irrigation Scheme under contemplation is settled.
3	Mullaringattu-kandam (120 acres)	Todupuzha Reserve.	This block has been disafforested and registered.
4	8 blocks of land in the Peermade taluk (400 acres)	Cardamom Hills Reserve.	An extent of 506·56 acres of land was surveyed, of which 269·19 acres have been assigned. Steps for the registry of the remaining area were not taken in view of the order of Government prohibiting further registry of lands within the Cardamom Hills Reserve.

Appendix I.—(*contd.*)

Serial No.	Name of block and approximate rate.	Situation.	Action taken.
5	Olikkallu (100 acres)	Kumaramperur Block A.	The actual area of these two blocks was found to be 284·25 acres (80 acres in the Olikkallu and 204·25 in the Kuttattukulam Mannu) and the whole area has been assigned.
6	Kuttattukulam Mannu (150 acres)	Do. North.	
7	Valiarippu Vayal (100 acres)	Yerur Reserve.	The assignment of about 96 acres of land in this block has been ordered. The exact area will be known only after the survey records are closed.
8	Edavam and Kalachal Karikam (104 acres)	Pallode Reserve.	An extent of 77·59 acres out of this block has been assigned. Steps for the registry of the remaining available area are in progress.

(2) *G. O. No. 930/L. R., dated the 8th February 1920.* The measures proposed for the extension of paddy cultivation and the action taken in pursuance of the proposals in the G. O. are summarised below:—

Measures proposed.	*Action taken.*
1. Registry of portions of the Vellayani lake.	As ordered in paragraph 2 of the G. O., the lake was inspected by the Dewan Peishkar, Trivandrum, and by the Dewan, in company with the Executive Engineer, Southern Division. It was observed by them that a major portion of the lake could be converted into paddy land, leaving a portion for irrigation purposes during hot weather. But, before finally sanctioning the scheme, the Chief Engineer has been asked to investigate it and send up a detailed report as to what portions of the lake could be converted. His report is awaited.

Measures proposed.	*Action taken.*
2. Registry of *kari* lands near the Tottappalli Lock and of reclamations from the Kayankulam lake.	Of the total area of 1,481·81 acres of *kari* lands available for registry, an extent of 181·11 acres of land was registered in 1097 and 9·10 acres reserved for registry in the names of the members of the depressed classes. Steps are in progress for the registry of 317·79 acres of land in the names of Pulayas, 451·56 acres in the names of Arayans and 22·20 acres in the names of other classes of people. It is reported that there is no demand for the remaining area available. The reclamations from the Kayankulam lake are reported to have been disposed of by registry.
3. Conversion of single crop Myal Lands in the taluks of Muvattupuzha, Kunnatnad and Minachil into double crop wet lands.	At the conference held prior to the issue of the G. O. in question, the Dewan Peishkar, Kottayam, said that such lands could be converted into double crop lands if the percolation and absorption which the soil is susceptible of could be stopped and that experiments were being tried to achieve this object. No further report on the subject has yet been received from him.
4. Restoration of rain-fed tanks in the Kalkulam taluk.	At the conference referred to above, the Director of Agriculture suggested the desirability of appointing a special staff consisting of an Executive or an Assistant Engineer and a few overseers to inspect and report on the condition of the irrigation sources and submit proposals for their restoration in the order of their importance and urgency. The suggestion was referred to the Chief Engineer for an expression of his views. In the meantime, the question of restoring the minor irrigation tanks in the Neyyattinkara, Vilavankod, Tovala, Agastisvaram, and Kalkulam taluks, was taken up and considered by Government, and in disposing of that question, the Chief Engineer has been

Measures proposed.	*Action taken.*
	asked to get estimates for the most urgent works in the taluks of Tovala, Agastisvaram and Kalkulam prepared after consulting the ryots, and submit them to Government. Action is being taken in accordance with the decision. It has also been decided that, unlike the tanks in the Neyyattinkara and Vilavankod taluks, where half the cost of restoration should be defrayed by the ryots *pro rata*, the whole cost of restoration, for the first time, in the taluks of Tovala, Agastisvaram and Kalkulam should be borne by the Government alone.
5. Issue of rules under the Land Improvement and Agricultural Loans Regulation in order to facilitate the grant of loans to ryots for the purchase of seeds, manure, *etc.*	The rules under the Land Improvement and Agricultural Loans Regulation have already been issued under date the 30th April, 1921, and the rules provide for the grant of loans for such purposes as the purchase of seed, manure, cattle, *etc.* In regard to securities to be given in such cases, rule XII (B) provides that "if the loan is repayable within two years, personal security alone may be accepted" and "loans repayable within 2 years and not exceeding Rs. 200 in amount may also be granted on the personal security of the applicant or the joint personal security of the applicant and one or more other persons" *etc.*
6. Growth of leaf manure and the grant of facilities to the ryots for the same.	The report of the Director of Agriculture on the subject was received. He stated that, since the ryots themselves are fully aware of the advantages of grass manure, it was not necessary to have any large area cultivated with green manure trees for demonstrational purposes, but that it would be sufficient for the department to start work on 25 acres to begin with and open a seed farm. This proposal has been sanctioned. The question of granting lands on concessional terms for growing leaf

Measures proposed.	*Action taken.*
	manure has also been taken up by the Government, but it has not yet been finally settled. The matter is under reference to the Director of Agriculture.
7. Registry of lands in the Devicolam taluk on concessional terms.	An extent of 1988·66 acres was at first said to be available for registry and Government sanctioned the assignment of this area subject to the concessional terms sanctioned in their order under reference. But it was subsequently found that an extent of 480 acres out of the above area fell within the Cardamom Hills Reserve, wherein further registry has been prohibited by Government, and this block was therefore excluded from the 1988·66 acres ordered to be assigned. It is reported that no lands have yet been taken up on registry under the concessional terms for paddy cultivation.

(3) *G. O. Dis. No. 1197 of 22/Revenue dated the 2nd November, 1923*:—Government resolved to throw open for registry such of the lands in the reserved forests as could be registered without serious detriment to forest conservancy. Government also resolved to appoint mixed committees of officials and non-officials for each taluk or group of taluks as might be convenient, in order to inspect the several reserved forests and select areas fit for paddy cultivation. Three such committees were appointed in the first instance for the three taluks of Peermade, Devicolam and Pattanapuram. Subsequently, committees were also appointed for the taluks of Kottarakara, Pattanamtitta, Todupuzha, Muvattupuzha and Kunnatnad. The jurisdiction of the Peermade Committee was also extended to the five *pakuthies* of Cheruvalli, Chirakkadavu, Manimala and Kanjirapalli, north and south, in the Changanachery taluk. Similarly, the committees for the Pattanapuram and Kottarakara taluks were asked to bring within their operation the Yerur and Achencoil Reserved Forests in the Shencottah taluk and the Kummil Reserved Forest in the Nedumangad taluk, respectively. The reports of the Peermade, (so far as it relates to the Peermade taluk alone) Devicolam and Pattanapuram Committees have been received and G. O.'s on the first two have been issued and published in the *Gazette*. The G. O. on the remaining report is underi ssue. The other five committees are still working and their reports have not yet been received.

Appendix II A.

Vide **Answer to Question No. 59.**

Statement showing the quantity of tobacco (Jaffna, Coimbatore and Tinnevelly) imported into Travancore for the last twelve years.

Year.	Quantity of tobacco imported.		
	Jaffna. Candies.	Coimbatore. Candies.	Tinnevelly. Candies.
1086	5,413	7,373	2,317
1087	5,515	7,268	2,317
1088	5,649	8,269	2,569
1089	5,740	8,021	2,642
1090	5,203	8,462	2,433
1091	5,659	8,823	2,553
1092	5,675	9,350	2,571
1093	4,845	9,662	2,456
1094	5,671	8,896	2,237
1095	5,562	8,847	2,233
1096	5,593	10,795	2,386
1097	5,203	11,182	2,383

Appendix II B.

Statement showing the total quantity of snuff, cigars, cigarettes, *beedies* and other kinds of Indian manufactured tobacco imported during the last twelve years.

Year.	Snuff, bottles.	Cigars, lbs.	Cigarettes, lbs.	*Beedies*, lbs.	Other kinds of Indian manufactured tobacco, lbs.
1086	33,526	12,308	9,540	22,477	...
1087	28,432	13,109	14,700	18,381	...
1088	29,423	13,866	21,947	23,864	...
1089	27,099	16,826	33,699	30,548	...
1090	28,541	15,615	86,118	37,006	...
1091	31,663	17,927	33,518	1,32,871	...
1092	33,907	16,520	43,467	1,72,600	...
1093	42,270	16,924	33,426	1,50,968	1,422
1094	16,612	17,637	19,986	1,70,758	37,680
1095	20,335	22,899	15,621	2,76,075	36,587
1096	31,764	33,956	30,174	11,512	35,859
1097	25,266	34,604	30,335	14,622	32,266
Total ...	3,38,838	2,31,191	3,72,531	10,61,682	1,43,814

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Free Supply of Books to Certain Pupils.

PRESIDENT: The first resolution on the agenda is the following resolution by Mr. Tariatu Kunjitomman.

This Council recommends to the Government that the pupils belonging to the Pulaya, Paraya and Malavedar communities be supplied, free of cost, with the books required by them during the course of their primary education.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): പുലയർ, പറയർ, മലവേടർ എന്നീവർഗ്ഗക്കാരിൽപെട്ട വിദ്യാർത്ഥികൾക്കു പ്രാഥമികവിദ്യാഭ്യാസത്തിന് ആവശ്യമുള്ള പുസ്തകങ്ങളെ ഗവർൺമെൻറ് സൌജന്യമായി കൊടുക്കണമെന്ന് ൟ യോഗം ഗവർൺമെൻറിനോടു ശിപാർശ ചെയ്യുന്നു. ഇതാണ് എൻെറ പ്രമേയം.

ൟ വർഗ്ഗക്കാർ വിദ്യാഭ്യാസത്തിൽ വളരെ താണു കിടക്കുന്നു എന്നും ഇവരെ ഉയർത്തിക്കൊണ്ടു വരേണ്ടതു് ഏററവും അത്യാവശ്യമാണെന്നും ഇവൎക്കു പ്രത്യേകസഹായങ്ങൾ ചെയ്യാതെ ഇവർ ഉയൎന്നു വരുന്നതല്ലെന്നും ഇവൎക്കു ൟ വിധത്തിലുള്ള പ്രത്യേകസഹായങ്ങൾ ഇപ്പോൾ ചെയ്തു വരുന്നില്ലെന്നും ഉള്ളതു സ്പഷ്ടമാണല്ലോ. ഇപ്പോൾ ഇവരുടെ വിദ്യാഭ്യാസസ്ഥിതി വളരെ മോശമാണ്. രാജ്യമൊട്ടുക്കുള്ള ജനങ്ങളിൽ ആയിരത്തിന ൨൬൯ പേർ വീതം എഴുതാനും വായിക്കാനും അറിയാവുന്നവരായുണ്ടെന്നു കണക്കുകൾ കൊണ്ടു കാണാം. എന്നാൽ പുലയരിൽ ൧൦൦൦-ന ൨൪-ം പറയരിൽ ൧൦൦൦-ന ൭൨-ം മാത്രമാണ് എഴുത്തറിയാവുന്നവരായുള്ളതു്. മററുള്ളവരിൽ നിന്നു പത്തിൽ ഒരംശമായിട്ടോ അതിലും അധികമായിട്ടോ താഴ്‌ന്നാണ് ഇവരുടെ വിദ്യാഭ്യാസസ്ഥിതി. ഇവരെ ഉയൎത്തേണ്ടതു് ഏററവും അത്യാവശ്യമാണെന്നുള്ളതിനു എതിർവാദമുണ്ടായിരിക്കുമെന്നു തോന്നുന്നില്ല.

ൟ രാജ്യത്തെ പുരാതനമായി അധിവസിച്ചു വരുന്നവരും ൟ കൎഷകരാജ്യത്തിൻെറ അഭ്യുന്നതിക്കായി പരിശ്രമിച്ചു കൊണ്ടിരിക്കുന്നവരും ജനക്ഷേമത്തിനുതകുന്ന തൊഴിലുകളോടുകൂടിയവരുമാണ് ഇവർ. ഇവരെ വിദ്യാഭ്യാസമുള്ളവരാക്കിത്തീൎക്കേണ്ടതു് ഇവൎക്കു വേണ്ടി മാത്രമല്ല രാജ്യത്തിൻെറ ഉന്നമനത്തിനു വേണ്ടിയും അത്യാവശ്യമാണ്. രാജ്യത്തിലെ ജനങ്ങളുടെ ഒരു വലിയ വിഭാഗം കേവലം മൃഗപ്രായമായി കിടക്കുന്നതു

രാജ്യത്തിന് ഒരിക്കലും ഭൂഷണമാകയില്ല. അവരെ ഉയൎത്തികൊണ്ടു വരേണ്ടതു എല്ലാവൎഗ്ഗക്കാരുടേയും ഗവർൺമെൻറിൻേറയും ഒരു പ്രത്യേക കടമയാണെന്നുള്ളതിനു സംശയമില്ല. പാശ്ചാത്യരും അമേരിക്കരും മററും താഴ്ന്നവൎഗ്ഗക്കാരെ ഉയൎത്തികൊണ്ടു വരുന്നതിനു പരിശ്രമിക്കുന്നതായി കാണാം. അതിന്റെ ഫലമായി പല താഴ്ന്നവൎഗ്ഗക്കാരും ഉയൎന്നു വന്നിട്ടുണ്ട്. അമേരിക്കയിൽ ആഫ്റിക്കയിൽ നിന്നു കേവലം അടിമകളാക്കി കൊണ്ടുവരപ്പെട്ടവർ തന്നെ വളരെ ഉയൎന്നനിലയിൽ എത്തീട്ടുള്ളതായി എല്ലാവൎക്കും അറിയാം. ബുക്കർ ടി വാഷിങ്ടൺ എന്ന മഹാനെപ്പററി എല്ലാവൎക്കുമറിയാവുന്നതാണല്ലോ. ആ വിധത്തിലുള്ള മഹാനുഭാവന്മാർ ഇവരിൽ നിന്നും ഉയൎന്നു വന്നു എന്നുവരാം. ഇവരെ മാനസികപരിഷ്കാരമുള്ളവരാക്കിത്തീൎക്കുന്നപക്ഷം അതു രാജ്യത്തിന് ഐശ്വൎയ്യകാരണമായി തീരുന്നതാണ്.

ഞാൻ അടുത്തകാലത്ത് പോർട്ടുഗീസ് ഗോവയിൽ പോയിരുന്നപ്പോൾ അവിടെ ദക്ഷിണയാഫ്റിക്കയിൽ നിന്നും കൊണ്ടുവരപ്പെട്ട നീഗ്രോവൎഗ്ഗക്കാരെ പോലീസ് സൈന്യത്തിലും മററു ഗവർൺമെൻറുദ്യോഗങ്ങളിലും വച്ചു നടത്തുന്നതു കാണുകയുണ്ടായി. പോർട്ടുഗീസ്കാർ ഈ വിധത്തിൽ നീഗ്രോവൎഗ്ഗക്കാരായ അവരെ ഉയൎത്തുകയും ഗവർൺമെൻറുദ്യോഗങ്ങളിൽ കൂടി പ്രവേശിപ്പിക്കയും ചെയ്യുന്നതിനു അവരെ പ്രേരിപ്പിച്ചതു് നീതിയുടെയും കരുണയുടെയും ചേതോവികാരമാണല്ലോ. പോർട്ടുഗീസ്കാർ തങ്ങൾക്കു പ്രത്യേകപൂൎവബന്ധമില്ലാത്ത അഫ്റിക്കയിലെ നീഗ്രോവൎഗ്ഗക്കാരോട് ഈ വിധം വൎത്തിക്കുന്നെങ്കിൽ നമ്മുടെ ക്ഷേമത്തിനായി തലമുറതലമുറകളായി പ്രവൎത്തിച്ചു വരുന്നപുലയർ മുതലായവരുടെ ഉയൎച്ചയ്ക്കായി പ്രവൎത്തിക്കേണ്ടതു് നമ്മുടെ പ്രത്യേകകടമയല്ലയോ? ഇവൎക്ക് പ്രത്യേകസഹായംകൂടാതെ ഉയരാൻ നിവൃത്തികാണുന്നില്ല. ഒരു ഭവനത്തിലെ കുഞ്ഞുങ്ങളെ അവരുടെ ന്യായമായ ആവശ്യങ്ങൾ സ്വയം നിൎവ്വഹിച്ചു കൊള്ളുന്നതിനു വിടുകയാണെങ്കിൽ അതിനുപ്രാപ്തിയില്ലാതെ കേവലം കഷ്ടപ്പെടുകയേയുള്ളു. ഒരു ഭവനത്തിലെ രോഗികളെ പ്രത്യേകം ശുശ്രൂഷിച്ചു പരിരക്ഷിച്ചില്ലെങ്കിൽ അവരെല്ലാം തീൎച്ചയായും കഷ്ടപ്പെടുകയും ചിലപ്പോൾ മരിച്ചു പോകയും ചെയ്യേക്കാം. അതു പോലെ ഈ രാജ്യമാകുന്ന മഹാഭവനത്തിലെ എളിയസഹോദരങ്ങളായ ഇവരെ ഉയൎത്തുന്നതിനു ഉയൎന്നനിലയിലിരിക്കുന്നവരും പ്രത്യേകം ഗവർൺമെൻറും ശ്രമിക്കാത്തപക്ഷം ഇവർ ദയനീയമായ വിധം കഷ്ടതയിലും അജ്ഞതയിലും കിടക്കയേയുള്ളു. സ്കൂൾ ഫീസു വേണ്ടെന്നു വച്ചിട്ടുണ്ടെന്നുപറയു

[Mr. Tariath Kunjitomman.]

മായിരിക്കാം. ഇവക്ക അത്ര വലിയകാൎയ്യമല്ല. എല്ലാവൎഗ്ഗക്കാക്കും പ്രാഥമികവിദ്യാഭ്യാസത്തിന ഫീസു വേണ്ടെന്നു വച്ചിരിക്കയാണല്ലോ. എല്ലാവക്കും സാധാരണ ചെയ്തുവരുന്ന സഹായം ഇവക്ക പ്രത്യേകം വിലവയ്ക്കത്തക്കതായിരിക്കയില്ലല്ലോ. ഇവർ ഉയൎന്ന വിദ്യാഭ്യാസത്തിൽ എത്തണമെങ്കിൽ പ്രാഥമികവിദ്യാഭ്യാസം കൊടുത്തുയത്തണം. ഒരു നേരത്തെ ആഹാരം കൂടി ഇവക്ക് കൊടുക്കണമെന്നു ഞാൻ ഇതിനു മുമ്പു ഒരു റസല്യൂഷൻ കൊണ്ടുവന്നിട്ടുണ്ടായിരുന്നു. അതു പ്രതിപാദിക്കുന്നതിനു സമയം കിട്ടാതെ പോയി. പിന്നീട് എന്റെ പല മാന്യസ്നേഹിതന്മാരും അങ്ങനെ ചെയ്യുന്നതു വലിയ പണച്ചിലവു വരുന്ന കാൎയ്യമാണെന്നു പറഞ്ഞു. അതുകൊണ്ട് ഒരു നേരത്തെ ആഹാരമെങ്കിലും കൊടുക്കണമെന്നുള്ളത് ഞാൻ ഇപ്പോഴും കൊണ്ടുവരുന്നില്ല. മററുള്ളവക്ക് എല്ലാം, പ്രാഥമികവിദ്യാഭ്യാസത്തിനു ഫീസ് വേണ്ട എന്നു വച്ചിരിക്കുന്നു. അതിനെ അപേക്ഷിച്ച് ഇവക്ക് എന്താണ് കൂടുതൽ ആനുകൂല്യം ചെയ്തിരിക്കുന്നതു? വിദ്യാഭ്യാസത്തിനു ആകെയുള്ള ചിലവിൽ ജനസംഖ്യയുടെ കണക്കനുസരിച്ച് ഇവക്ക കിട്ടേണ്ടതിന്റെ നാലിലൊരംശം പോലും ഇപ്പോഴും കിട്ടുന്നില്ല. ഒരു വലിയ സംഖ്യ ഗവർൺമെൻറു വിദ്യാഭ്യാസം വകയ്ക്കു ചിലവു ചെയ്യുന്നുണ്ട്. ആളൊന്നിന് എന്തു ചിലവു വീതം വരുമോ ആ സംഖ്യ പ്രകാരം പുലയർ, പറയർ, മലവേടർ, മുതലായവക്കും കിട്ടാൻ അവകാശമുണ്ട്. മററുവൎഗ്ഗക്കാരോടു താരതമ്യപ്പെടുത്തുമ്പോൾ ഇവരുടെ വിദ്യാൎത്ഥികളുടെ സംഖ്യ വളരെ കുറവാണെന്നു കാണാം. ഇവിടെ വിദ്യാഭ്യാസത്തിനായി കാളേജ്, ലാകാളേജ് ട്രെയിനിങ്ങ് കാളേജ് മുതലായ പല സ്ഥാപനങ്ങളും ഉണ്ട്. അതൊന്നും ഈ വൎഗ്ഗക്കാക്ക തീരെ ഉപയോഗപ്പെടുന്നില്ല. ഈ വൎഗ്ഗങ്ങളിൽപെട്ട വിദ്യാൎത്ഥികൾ ഇവയിലില്ല. ആ വ്യയം ഇവരെ സംബന്ധിച്ച പ്രയോജനം ഉള്ളതല്ല. കുരുടനു സൂൎയ്യപ്രകാശമോ വഴിവിളക്കോ കൊണ്ട് വല്ല പ്രയോജനവും ഉണ്ടോ? ഇവരുടെ ഹൃദയങ്ങളിൽ ജ്ഞാനപ്രകാശം പരത്തുന്നതിന് ഈ ജ്ഞാനദീപങ്ങളിൽ ഒന്നും ഉതകുന്നില്ല. ഈ സ്ഥാപനങ്ങളിലും ഗവർൺമെൻറു ഇവരെ പ്രവേശിപ്പിക്കുന്നതിനു ശ്രമിക്കേണ്ടതാണ്. അതിനു പ്രാഥമികവിദ്യാഭ്യാസം ഇവരിൽ പ്രചരിപ്പിച്ചാലേ സാധിക്കൂ.

ഇംഗ്ലണ്ടിലുംമററും ലേബർപാൎട്ടി ചെയ്യുന്നതുപോലെ ഇവക്കും നല്ല നേതാക്കന്മാർ ഉണ്ടായിരുന്നാൽ ചെയ്യാൻ സാധിക്കും. ഇവർ ഒന്നുചേൎന്നു വേലചെയ്യാതെയിരുന്നാൽ ഇവിടത്തെവലിയവരെല്ലാം പട്ടിണികിടന്നു ക

ഷ്ടപ്പെട്ടും. ഇവർ കല്ലിലും മുള്ളിലും ചെളിയിലും നടന്നു മഞ്ഞും മഴയും വെയിലും ഏററു കഷ്ടപ്പെട്ടു പുരയിടങ്ങളും നിലങ്ങളും മററും ദേഹണ്ഡിച്ചാണ് ഈ കർഷകരാജ്യത്തെ ഈവിധം സുഭിക്ഷമാക്കിവച്ചിരിക്കുന്നതു. നിരന്തരം പരിശ്രമിക്കുന്ന ഇവൎക്കു വിദ്യാഭ്യാസത്തിനു പോലും ധനമില്ല. പണ്ടത്തെപ്പോലെ തന്നെ ഇവർ ഇപ്പോഴും മൃഗപ്രായമായിട്ടു കിടക്കയാണ്. അതുകൊണ്ടു ഇവൎക്കു പുസ്തകങ്ങൾ കൊടുത്തു പ്രത്യേകം സഹായിക്കണം. അതിൽ കൂടുതലായ സഹായങ്ങളും ചെയ്യണമെന്നാണ് എന്റെ അഭിപ്രായം. എങ്കിലും തൽകാലം ഇതെങ്കിലും ചെയ്യണം. ൫,൦൦൦-മോ ൧൦,൦൦൦മോ രൂപായിൽ അധികം ഈ വകയ്ക്കു പ്രതിവത്സരം ചിലവു വരികയില്ല. യൂനിവേർസിററിക്കു തന്നെ എത്രയൊ വലിയസംഖ്യ ചിലവുചെയ്യാൻ ആലോചിക്കുന്നു. ആഹാരംകഴിച്ച് സുഖമായിരിക്കുന്നവൎക്കു പലഹാരം എന്ന നിലയിൽ എന്തെല്ലാം ഗവർൺമെൻറു മററുള്ളവൎക്കു കൊടുക്കുന്നു! അവരുടെ പ്രതിനിധിയായി ഈ സഭയിൽ ആരും തന്നെയില്ല. അങ്ങനെ തക്കതായുള്ളവർ ഉണ്ടായിരുന്നാൽ അവർ ഇവിടെ ശക്തിയായി വാദിക്കുമായിരുന്നു.

പ്രകൃത്യാ ശാന്തന്മാരും നിർദ്ദോഷികളും മററുള്ളവരെക്കാൾ കൂടുതലായി പരിശ്രമിക്കുന്നവരും ആണ് ഇവർ. ഇവരെ പ്രത്യേകം സഹായിക്കണമെന്നുദ്ദേശിച്ചുള്ള എന്റെ പ്രമേയത്തെ എല്ലാവരും അനുകൂലിക്കുമെന്നു വിശ്വസിച്ചു കൊണ്ടു തൽകാലം വിരമിക്കുന്നു.

MR. M. N. PILLAI (*Trivandrum*): നിങ്ങളുടെ അധീനതയിൽ എത്ര പറയർ, പുലയർ, മുതലായവർ ഉണ്ടു്?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): എന്റെ അധീനതയിലിരുന്നവരെ ഞാൻ സ്വാതന്ത്ര്യത്തിൽ വിടുകയും അന്നന്നു കിട്ടുന്ന സാധുക്കളായ കൂലിക്കാരെ വച്ചു് എന്റെ വേലകൾ ചെയ്യിക്കയുമാണ്.

MR. M. N. PILLAI (*Trivandrum*): വേല ചെയ്യുന്നവരുടെ കൂട്ടത്തിലുള്ള ഈ വൎഗ്ഗക്കാൎക്കു നിങ്ങൾ വല്ല സഹായവും ചെയ്തിട്ടുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): അധഃകൃതവൎഗ്ഗക്കാൎക്കായി ഞാൻ ഏകദേശം ൨൦൦ രൂപായോളം പലപ്പോഴായി പലസഹായങ്ങൾക്കു് ചിലവു ചെയ്തിരിക്കും.

MR. M. N. PILLAI (*Trivandrum*): എപ്പോഴാണ്?

MR. TARITU KUNJITOMMAN (*Muvattupuzha*): അടുത്തകാലത്തു തന്നെ ഞാൻ എന്റെ കൈയിൽ നിന്നും പണം ചിലവു ചെയ്തിട്ടുണ്ടു്.

[Mr. Tariatu Kunjitomman.]

ചെലപ്പോഴായിട്ട് ൧൦൦ രൂപായോളം വരും; ഇപ്പോഴും ചിലവു ചെയ്യുന്നുണ്ട്. ഈ വർഗ്ഗക്കാരെ സ്കൂളിൽ പ്രവേശിപ്പിക്കുന്നതിനുണ്ടായിരുന്ന തടസ്സത്തെ നീക്കുന്നതിനും ശ്രമിച്ചിട്ടുണ്ട്.

MR. A. HOOGEWERF (*Nominated*): I strongly second the motion. I congratulate Mr. Kunjitomman on having made a strong appeal on behalf of the poor working classes. They are the backbone of the country and, if the country is to improve, we must begin from the foundation. Mr. Kunjitomman has explained clearly that the present concessions that are granted to the depressed classes make no difference to these poor people, because everybody gets elementary education free. How are they in any way benefited more than others? Therefore some special treatment has to be accorded to them, whether in the way of books or in the way of giving of food or in the way of giving them some sort of concession. This is for the Government to consider. Anyway, it is a very touching and reasonable appeal that has been made, and I hope that it will touch the heart of every member and that this motion will be passed without opposition.

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, I listened with much interest to Mr. Kunjitomman's speech upon this subject, and also to what Mr. Hoogewerf has just said. I am sure the House will not contradict me when I say that the attitude of Government and the Department of Education towards the poor, the backward and depressed, has always been, and always is, sympathetic. You have only got to consider the large number of scholarships, stipends, and fee remissions, that are given to these particular classes, and to remember also that not only is primary education entirely free, but when they come to the middle schools, education is given for next to nothing. It is quite true that others benefit in these advantages of free primary education and the very cheap middle school education as well. But the fee remissions which have been given on a very lavish scale of late apply only to classes that are depressed or backward in education. I cannot help feeling that, in dealing with a large question like this, while we want to show every possible sympathy towards these poor classes, at the same time it is necessary to draw a line somewhere. Otherwise, we should be very largely increasing the expenditure of Government on the department; and only yesterday we were being told by Mr. Kunjitomman that we were spending too much and that we must spend less. It seems to me, Sir, that a line has to be drawn at this point. It has always been my belief and it has been very much, indeed, my experience that persons who take upon themselves the responsibility of parentage must to a certain extent pay for the privilege, as I have experienced myself.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): വിദ്യാഭ്യാസത്തിനായി ചിലവാക്കുന്നതിൽ എത്ര രൂപാ അധഃകൃതവർഗ്ഗക്കാർക്കായി ചിലവു ചെയ്യുന്നുണ്ടു ?

MR. L. C. HODGSON (*Director of Public Instruction*): Does he mean on education generally?

PRESIDENT: Mr. Kunjitomman wants to know the amount of money which is spent upon these depressed classes in the shape of the various concessions.

MR. L. C. HODGSON (*Director of Public Instruction*): The total amount for the concessions granted to these classes comes to approximately a lakh of rupees. I cannot give figures for the Pulaya, Paraya and Malaveda communities separately.

PRESIDENT: I think he wants to know the figure only for all the depressed classes together.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): അധഃകൃതവൎഗ്ഗക്കാർ ആകെ എത്രയുണ്ട്?

PRESIDENT: The information is available in the Census Report.

MR. L. C. HODGSON (*Director of Public Instruction*): I can give you the total amount which amounts to practically a lakh of rupees, and a very large amount of it goes to these three classes.

MR. A. HOOGEWERF (*Nominated*): May I know what is being done specially for the classes mentioned by Mr. Kunjitomman, in the primary portion of their education?

PRESIDENT: You have night schools.

MR. L. C. HODGSON (*Director of Public Instruction*): In the primary schools they get free education; beyond that they do not get anything specially.

PRESIDENT: We are now starting night schools which are meant chiefly for the benefit of the labouring classes.

MR. L. C. HODGSON (*Director of Public Instruction*): It seems to me, Sir, that we have to draw a line somewhere and I think the line is to be drawn at this point that Mr. Kunjitomman has placed before the House. In his speech he told us himself that this matter in regard to free books for these classes is only an instalment and we may expect him to ask us at a later date to give free meals and a bonus in view of the fact that the children by being sent to school are prevented from earning a few chackrams by working in the fields. I believe something like this was done in Cochin a year or two ago; but if I am informed correctly, Cochin gave up those concessions some time ago. If we grant these concessions it will be a very large charge upon our budget which I believe it is the object of this Council to reduce.

MR. A. HOOGEWERF (*Nominated*): Will Mr. Hodgson be good enough to say how many of the children of these classes are learning in the primary schools of the State and how many in the middle schools?

[Mr. L. C. Hodgson.]

MR. L. C. HODGSON (*Director of Public Instruction*): It is not possible for me to give the figures at a moment's notice. I have here the Annual Report for 1097 which Mr. Hoogewerf may look into.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Is the member aware that Pulayas and Parayas possess no wealth? How are they going to be benefited by this concession?

MR. L. C. HODGSON (*Director of Public Instruction*): I do not think it is possible to grant these concessions especially in view of the fact that we shall have to grant further concessions afterwards. It is the thin end of the wedge. It is the endeavour of the Government and the Department to reduce expenditure on books as far as possible. Although it has been a hard struggle in the past, yet, thanks to your support, Sir, we have been able recently so to reduce the number of books prescribed for the pupils that we should not be called upon to give them free books. A pupil of the first class has to purchase one copy book and one reader costing seven chackrams. That is all that the first class pupil has to spend during that year. Then in the second class he will have to spend ten chackrams, and in the third class eleven chackrams. This amount is negligible. Owing to our being tied down by an agreement entered into at the time of Dr. Bishop, the fourth class pupils have to spend one rupee and fourteen chackrams. They have to take the History of Travancore, the Geography of Travancore and the Geography of the Madras Presidency.

Mr. Kunjitomman next said that the cost to Government will approximately be Rs. 15,000 or Rs. 20,000. I have not been able to work out anything like exact figures because statistics of the number of pupils belonging to these communities are not available. We have a number of Pulaya, Paraya and Malaveda students that are studying in the State and a great majority of them certainly are in the primary schools. I will give some figures of their attendance in the primary schools, which are approximately correct. The total number of Parayas in 1097 is 5,280, Pulayas 11,555, and Malavedars 123. I do not know whether Mr. Kunjitomman proposes that all the pupils, both in the private and departmental schools, should be granted this concession. If it is granted in private schools, then the Government will have to reimburse the managers. I do not know whether Mr. Kunjitomman intends this to apply to converts from these classes to Christianity, Mahomedanism or any other religion. When the recent fee concessions were granted the number has very largely swelled indeed by the inclusion of the converts to Christianity. I think they will also have to be included. Mr. Kunjitomman has only limited the concession to three classes of the population, but I think there will be many applications from other classes for the extension of the concession to them. There are classes who, I believe, are as depressed as the Pulaya and the Paraya. I have a long list of Velan, Arayan, Pandaram, Tandan, Nulayan, Urali, Cheramar, Kakkalan, Chaluppan, Kuravan, Mukkuvan, Marakkan, Patiyan

Washerman, Chayakkaran, and Kani, not to mention others that are constantly cropping up. I receive applications from the Assistant Inspectors of Schools that a pupil belonging to one of these classes has joined the school and wants the concession given to the depressed classes. I look them up in the *State Manual* and in the *Census Report*, but sometimes it is very difficult to find out all about them. I fear therefore that if this concession is granted to these three classes it will be demanded by a large number of other classes. For that reason, I think it will be inadvisable to grant this concession to these classes.

I have nothing to say in reply to Mr. Kunjitomman's figures about the percentage of literacy. But we have to remember that so short a time as ten years ago very few of these unhappy classes attended schools. It was during Dr. Bishop's time that great efforts were made to secure the admission of these depressed classes in the Government schools—an effort which has been persistently carried out with the results which I think will be admitted to be satisfactory and which I will speak of in connection with another resolution. A few years ago the number of pupils from these classes was *nil*, and by the grant of free education, and by the determined steps to make these schools open to every class of the community, these depressed classes have been very considerably benefited in late years.

Mr. Kunjitomman drew comparisons between these backward classes of Travancore and Booker Washington of America and the Goanese on the western coast of India. Comparisons are always unsatisfactory things. But if the member wants comparisons between Booker Washington who was a negro in America and the men here, I would refer him to Abraham Isaac and Aiyan Kali, members of the depressed classes and of the Popular Assembly.

I will conclude by saying that I was very much delighted indeed to hear Mr. Kunjitomman say that he himself is giving liberal assistance in providing school books and other necessaries to the Pulaya boys whom he employs. That is the spirit we want to see; that is the spirit we want to encourage. By all means do all that you can for them, but do not rely upon the Government every time to do everything.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, properly speaking, the most that a man or a community can justly claim of Government is only equality of opportunities and not equality of equipment in the matter of education. If the so-called higher communities have at any time contributed of their own accord to the deterioration or backwardness of any community, they are certainly responsible to make some sacrifices for the sake of the uplift of such community. But, in the absence of such causes, I do not see why the communities referred to in the resolution should be supplied completely free of cost with the books that the pupils belonging to those communities would require.

However, there is the humanitarian side of the question and there is always room for charity; and this consideration raises an obligation on the part of the more fortunately placed communities to contribute something towards their uplift. If such help is claimed on the score of

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poverty alone, the principle will have to be extended to the really poor of *all* communities. As the books required free of cost concern only the primary education of the members of the communities concerned, I am inclined to support the resolution, if the expense on this account is not considerable. If considerable, I would suggest the advisability of supplying the books on half the cost.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): While I am in full sympathy with what Mr. Kunjitomman feels on the subject, I am sorry that the resolution, as it is worded, is very difficult to be accepted. With respect to the sympathy to be shown by the State towards these depressed classes, I am in full accord with Mr. Kunjitomman's views. But the experience in the past is a thing we cannot forget in this connection. For the advancement of these depressed classes, Government in their benevolence once thought that they would register *puduval* lands in their favour. It was soon found out that, though a number of registries were effected in favour of Pulayas, Parayas and other depressed classes, the benefit of the registries was being enjoyed not by the depressed classes but by those who took advantage of the depressed nature of the registry-holders. If that result is likely to repeat itself, as I think it would, in the matter of supply of books to these classes, there is serious risk. Mr. Kunjitomman's resolution itself is so worded that, during the course of their education, members of the depressed classes must necessarily be supplied with books. Let Pulayas, Parayas and Malavedars be supplied free of cost with the books *required* by them during the course of their primary education. That is the expression used in the resolution. Now a Pulaya boy may be given the necessary books by the Government at any stage of his education. Just one month after the Pulaya boy has been given the necessary books, somebody may purchase it from the Pulaya boy. Then the Pulaya boy will say: "I want books again." This process may be repeated with considerable drain upon the public treasury.

PRESIDENT: I think he does not mean that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): He does not mean that; but as the resolution is now worded, there is that risk. If some crafty and sharp members of the communities in the neighbourhood of the depressed classes think they want to get these books at lower rates, it is easy to ask Pulaya boys to go to school, keep them there for as long a time as is necessary, and when the books are distributed get the books from the boys and take the boys away from the schools.

MR. A. HOOGEWERF (*Nominated*): Are these not extreme cases?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): എന്റെ മാന്യസ്നേഹിതനു മലയാളം നല്ലപോലെ അറിയാവുന്നതു കൊണ്ട് എന്റെ പ്രമേയത്തെ പററി പറയുന്നതു എനിക്കു മനസ്സിലാകുന്ന മലയാളത്തിലാ

യാൽ കൊള്ളാം. വലിയ ദോഷമൊന്നുമില്ലെങ്കിൽ പ്രസിഡണ്ടു അവർക്കും അതിനെ സമ്മതിച്ചാൽ കൊള്ളാം.

PRESIDENT: I am sorry that the rules do not permit it. But you may sit by the side of the interpreting clerk.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): തർജ്ജിമ എനിക്കു ഉപയോഗപ്രദമായിരിക്കുന്നില്ല. ഇവർക്കുമലയാളം സംസാരിപ്പാൻ പാടില്ലാത്തതുകൊണ്ട് ഞാൻ ഇവരെ വിട്ടുപോകുമോ? ഇവരെ വിട്ടു പോകാൻ വൈമനസ്യവുമുണ്ട്.

PRESIDENT: I am sorry.

There is a question by Mr. Hoogewerf, Mr. Narayana Pillai. He wants to know if you are not stating extreme cases.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to *puduval* registry, what I was stating was not an extraordinary case. Even the Government were obliged to check the alienation of lands granted to Pulayas and Parayas.

MR. A. HOOGEWERF (*Nominated*): Sir,——

PRESIDENT: Mr. Narayana Pillai has not yet answered your last question completely. You may wait till he finishes, and then put another question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Let Mr. Hoogewerf listen to me. If there is a necessity of further questioning, I am willing to be cross-examined or re-examined by him.

My point is this, that, if a sharp man in the neighbourhood takes it into his mind, it is sufficient if he enlists the services of the Pulayas and Parayas in his neighbourhood; he will ask them to go to school—a hundred or two hundred of them—and after they have got books, he can collect the books from them; the next day all the boys may disappear. He will be able to beat the Government so far as the prices of books are concerned. Such a contingency is possible under the resolution as it is worded. So I would ask Mr. Kunjitomman to withdraw the resolution. If he can so word the resolution as to prevent malpractices and help the Government, I shall be the first to support him. But in the absence of the necessary safeguards, I am extremely loath to support the resolution. Parayas and Pulayas may become conduit pipes for the extraction of Government money.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, Mr. P. K. Narayana Pillai's speech, which I certainly admire for legal astuteness of more than ordinary kind, has induced me to stand up and put the case in a different manner. Mr. Narayana Pillai, with his cleverness of dealing with the technicalities of law, has resolved the proposition into a kind of absurdity which will land us in very great straits. Although I too am accustomed to deal with technicalities of

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law, in this particular instance I propose to put the case against the resolution on other grounds. The State, Sir, has got a duty towards the individuals that compose it. Strictly speaking, the State is not entitled to make differences between community and community, or to recognise that particular communities are enjoying rights and other communities are under difficulties. There are certain rules which deal with the manner in which the State ought to reach the individual. It is argued that some communities in Travancore, on account of poverty or on account of historical reasons, are unable to take the fullest advantage of the educational facilities that have been afforded by Government. In this particular instance, the poverty of the Malavedar and Paraya communities was requisitioned. But obstacles are obstacles, whatever may be the reason thereof. In the matter of education, if the Paraya or the Pulaya finds himself unable to send his children to school, and to give the food necessary to keep them at school, then certainly there is some difficulty. But, on the opposite side, we find certain communities who, through various social and other reasons, are unable to send their children to school. Take the case of a conservative Nambudiri who likes to avail himself of the educational facilities afforded by the Travancore Government. For a Nambudiri his children between six and ten years old cannot get out of his house or if he gets out certain special facilities will have to be conferred upon him in the matter of warding off pollution and other things. I think pollution is an abstract principle. Because the Nambudiri has been occupying a very congenial position, because there is this and because there is that, he wants that education should be imparted in a close preserve fortified by all kinds of things so that he may send his child to be educated. The principle of giving free meals and free clothing to all these pupils, whether they are adults or whether they are children, is wrong. Mr. Kunjitomman would not stop here; he will not be satisfied if books alone are given. He wants to extend to the fullest extent the Government's liberality, and to recommend the grant of clothing and feeding.

MR. A. HOOGEWERF (*Nominated*): I beg to know from Mr. Velu Pillai whether the Nambudiri's request will be a reasonable one.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I must remind my friend that there is no absolute standard of reason anywhere in the world. What I think reasonable Mr. Hoogewerf may take to be unreasonable and *vice versa*. Giving free doles of food is an experiment not suggested for the first time in the course of human history. We all know the difficulties of the free distribution of corn in Rome at the time of the Grachii. There are other instances. Spoon-feeding of particular classes is always dangerous. It creates laziness, it creates irresponsibility. In the matter of food and clothing nobody would come to this Council and urge Government to try free meals and free clothing. My point, therefore, is that, while the State is under an obligation to give free primary education, the State will not be justified in spending

its money on several such projects as the one advocated in the resolution. On public grounds—I mean the more general ground that has been suggested by one of the previous speakers—I oppose the resolution.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, it will be ungracious on my part at this juncture not to recognise the very considerable help that the Travancore Government have been rendering systematically for the past few years towards the elevation of the depressed classes, especially during the time of Sir P. Rajagopalachari. Very great advance has been made towards the enfranchisement and towards the elevation of the so-called depressed classes. Even now in spite of all that has been done by the Government, it is undeniable that there is considerable leeway to be made; and if there is considerable expense to be involved I am sure it will never be considered to be too much or not deserved by them. In fact, the so-called higher classes have been for generations—for centuries—living upon the blood of the depressed classes, and unless we take time by the forelock and ourselves do something as an act of charity and reparation, the time may come—nemesis may be working—when they may help themselves with violence to secure what may be considered their due. I have, therefore, every sympathy for any measure calculated towards helping these poor classes. At the same time, I perfectly agree with the remarks of Mr. Narayana Pillai that the help that is rendered to the depressed classes is oftentimes taken away from them by the more scheming people around them; especially in the case of registry of *puduvals* it is being systematically done in respect of what is done by the Government. I have a particular repugnance to this kind of piecemeal reform. I have oftentimes felt that it would be highly desirable if a special officer like a protector of these classes is appointed as was done in Madras; and this officer, who is selected for his known sympathy towards the depressed classes should be charged with the duty of looking after these classes. If then the Government expands the scope of their benevolence towards them, it would be highly useful. As it is, any help rendered to them may not reach them. Therefore, I cannot vote for Mr. Kunjitomman's proposition, not because I do not sympathise with his object, but because of the reason Mr. Narayana Pillai gave, that the help given by the Government may not after all reach them to the fullest extent.

REV. FR. KURIAKOSE VETTIKKAPALLI (*Todupuzha cum Kunnatnad*): Sir, I strongly support all measures tending towards the uplift of the so-called depressed classes. But I do not know whether any general rule could be laid down in the matter and where the line of demarcation could be safely drawn. From personal experience I know that the supply of books to Parayas and other depressed classes alone will not go far to help the proposed object. There are many other things much more necessary than the supply of books things such as food, clothing and habitation—without which the supply of books will not be of much avail. That is what we learn from experience. But as my friend intends to advance step by step and as this is a first

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step, if the Government would be pleased to extend the benefit of the concession towards other necessities also, I would support the motion. Otherwise I think we should begin with something else than the supply of books.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): എന്റെ പ്രമേയത്തെ എന്റെ മാന്യസ്നേഹിതന്മാരിൽ ചിലർ പ്രതികൂലിച്ചു സംസാരിച്ചിരിക്കുന്നു എന്നാൽ ഇപ്പോഴും പൂർവ്വസ്ഥിതിയിൽ തന്നെ പ്രമേയം പാസ്സാക്കേണ്ടതാണെന്നു ഞാൻ വീണ്ടും ഈ കൌൺസിലിനോടപേക്ഷിക്കുന്നു. ചിലരുടെപ്രസംഗത്തിൽ നിന്നു ചില സംഗതികൾ ഞാൻ ഊഹിച്ചു. വിദ്യാഭ്യാസ ഡയറക്ടർ അവർകൾ പറഞ്ഞതു് ഇപ്പോൾ അധഃകൃതവർഗ്ഗക്കാർ എന്നു ഗണിച്ചുവരുന്നവർ ഞാൻ പറഞ്ഞവർ കൂടാതെയും ഉണ്ടെന്നും അവർക്കും പുസ്തകങ്ങൾ കൊടുക്കേണ്ടയോ എന്നും ഇപ്പോൾ പല സഹായങ്ങളും ചെയ്യുന്നുണ്ടെന്നും മറ്റുമാണ്. അദ്ദേഹം ഇവിടെപറഞ്ഞിട്ടുള്ള മററ് അധഃസ്ഥിതവർഗ്ഗക്കാരെക്കാൾ ദാരിദ്ര്യം കൂടുതലുള്ളവരാണ് പറയർ, പുലയർ, മലവേടർ മുതലായവർ. എല്ലാ അധഃകൃതവർഗ്ഗത്തിനും പുസ്തകങ്ങൾകൊടുത്തു സഹായിക്കണമെന്നു പറഞ്ഞാൽ അതു പ്രയാസമാണെന്നു പറയുമെന്നു വിചാരിച്ചാണ് അവരിൽവച്ചു കൂടുതൽ ജനസംഖ്യയും അധിക ദാരിദ്ര്യവുമുള്ള പുലയർ മുതലായ ചില വർഗ്ഗങ്ങളുടെ കാര്യം മാത്രം പറഞ്ഞതു്. ഇനി വസ്ത്രംകൂടി കൊടുക്കണമെന്നു പറയുകയില്ലയോ എന്നും അദ്ദേഹം ചോദിക്കുന്നു. ഒരു ഭവനത്തിൽ ൧൦ സഹോദരങ്ങളുണ്ടെന്നു വിചാരിക്കാം. പ്രായമായവർക്ക് ഒരുതരത്തിലുള്ള ഭക്ഷണമായിരിക്കും. ശിശുക്കൾക്കു മാർദ്ദവം ഉള്ള പദാർത്ഥങ്ങളോ പാലോ വേണ്ടിവരും. രോഗികൾക്കു വേറെ ചില സാധനങ്ങളുംവേണ്ടിവന്നേക്കാം. എല്ലാവർക്കും ഒന്നുപോലെ എന്നുവച്ചാൽ അതു് വലിയ കഷ്ടമായിരിക്കും. ജനസംഖ്യ അനുസരിച്ചു വിദ്യാഭ്യാസ വകുപ്പിലേക്കു ചിലവാകുന്ന സംഖ്യയെ നോക്കി അവരുടെ ജനസംഖ്യ ക്രമത്തിനു അവർക്കു ചെല്ലേണ്ടതുകയെ അവർക്കുകൊടുക്കേണ്ടു എന്നുവയ്ക്കാം. ഏതുതരത്തിൽ കൊടുത്താലാണോ അവർക്കു അധികം പ്രയോജനപ്പെടുന്നത് ആ വിധം കൊടുക്കണം മൊത്തം സംഖ്യയിൽ കൂടുതൽ ചിലവു ചെയ്യണമെന്നില്ല. ഒരുലക്ഷത്തോളം രൂപാ അധഃസ്ഥിതവർഗ്ഗത്തിനായി ചിലവു ചെയ്യുന്നു എന്നാണ് ഡയറക്ടർ പറഞ്ഞതു്. പുലയർ തന്നെ ഒരുലക്ഷത്തിത്തൊണ്ണൂറായിരത്തിൽ ശിഷ്ടം ഉണ്ടു്. ആകെ നോക്കുമ്പോൾ ഒരു പൌരനു മുക്കാൽരൂപായിലധികം വിദ്യാഭ്യാസത്തിനു ചിലവുണ്ടു്. അവർക്കു ന്യായമായി ഉള്ളതുകൂടെ ഇപ്പോൾ കൊടു

ക്കന്നില്ല. അതു ദരിദ്രന്റെ കൈയിൽ നിന്നും അവനുള്ളതും എടുക്കുന്നതുപോലെയാണ്. ധർമ്മരാജ്യത്തിലെ ധർമ്മം ഒരിക്കലുംഈവിധമായിരിക്കാൻ പാടില്ലെന്നാണ് എന്റെ അഭിപ്രായം. സാധുക്കളും ദരിദ്രന്മാരുമായിരിക്കുന്നവരോടു കൂടുതൽ ആനുകൂല്യം കാണിക്കേണ്ടതാണ്. എല്ലാകാര്യങ്ങളും ഗവർൺമെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരേണ്ടതു ജനപ്രതിനിധികളുടെ കടമയാണല്ലോ. വിദ്യാഭ്യാസ വകുപ്പിലേക്ക് ഇപ്പോൾ ൩൨ ലക്ഷംരൂപാ ചിലവുചെയ്യുന്നുണ്ട്. എന്നാൽ അതു പിന്നണിയിൽ കിടക്കുന്നവർക്കു കിട്ടുന്നില്ല. ഉദാരനായ ഒരുപ്രഭു ഒരു സദ്യനടത്തുന്നുഎങ്കിൽ മുന്നണിയിലുള്ള ധനവാന്മാർക്ക്എല്ലാം കൊടുക്കയും പിന്നണിയിലുള്ളദരിദ്രർക്ക് ഒന്നും കൊടുക്കാതെയും ഇരിക്കുന്നപക്ഷം അതു കഷ്ടതരമല്ലേ? പിന്നണിയിലുള്ള സാധുക്കൾക്കു കൊടുക്കുന്നതല്ലേ ഉത്തമം? അതുപോലെ ധർമ്മരാജാതെ ഗവർൺമെന്റു ഈ മാനസിക ആഹാരം പിന്നണിയിലുള്ളവർക്കും അവരുടെവക ശരിയായി കൊടുക്കാതിരിക്കുന്നപക്ഷം കഷ്ടതരമായിരിക്കും. എന്റെ പ്രമേയത്തിൽ പ്രയോഗിച്ചിട്ടുള്ള പദങ്ങളെ ഒന്നുരണ്ടുസ്നേഹിതന്മാർതെററിദ്ധരിച്ചിട്ടുണ്ട്. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ പി. കെ. നാരായണപിള്ള പുസ്തകങ്ങൾ ഗവർൺമെന്റിൽ നിന്നും വെറുതെകൊടുത്താൽ പുലയക്കുട്ടികളുംമററും വാങ്ങിച്ചുവിററുകളയും എന്നു പറഞ്ഞിരിക്കുന്നു. ഞാൻ കൊണ്ടുവന്നിട്ടുള്ള പ്രമേയത്തിൽ ഈ സംഗതിയുടെ ആവശ്യകതയെ സ്ഥാപിക്കണമെന്നല്ലാതെ അതു സംബന്ധിച്ച മേൽ നടക്കേണ്ട സകല സംഗതികളെയും പ്രതിപാദിക്കണമെന്നു വിചാരിച്ചിട്ടില്ല. ഇതു പാസ്സായികഴിയുമ്പോൾ കാര്യനടപ്പിനുവേണ്ട ചട്ടം ഏർപ്പെടുത്താമല്ലോ. പുലയരുടെയും മററും കുട്ടികൾ ഇങ്ങനെ വ്യാജപ്രയോഗങ്ങൾ ചെയ്യുമെന്നു ഞാൻ വിചാരിക്കുന്നുമില്ല. അവർ മററുള്ള പലവർഗ്ഗങ്ങളിലുംപെട്ടവരെക്കാൾ സത്യവാന്മാരും ഋജുസ്വഭാവം ഉള്ളവരുമാണെന്നാണ് എന്റെ അനുഭവം. ഇവരെ വേണ്ടപോലെ പരിചയമില്ലാത്തതുകൊണ്ടും അധികം പരിചയമുള്ള പലതിലും വ്യാജസ്വഭാവം കണ്ടിട്ടുള്ളതുകൊണ്ടുമായിരിക്കാം എന്റെ മാന്യസ്നേഹിതൻ ഇങ്ങിനെ പറഞ്ഞതെന്നു ഞാൻ വിചാരിക്കുന്നു. പുസ്തകങ്ങൾ കൊടുക്കുന്നതിനു കുഴപ്പംകൂടാതെ വേണ്ട വ്യവസ്ഥകൾചെയ്യാൻ ഗവർൺമെന്റിനു കഴിയും. അതിനെ ശരിയായി നടത്തിക്കാൻ വേണ്ട ഉദ്യോഗസ്ഥന്മാരും ഉണ്ട്. ഞാൻ ഇതിനെപ്പററി അധികം സംസാരിക്കേണ്ട ആവശ്യമില്ലല്ലോ. നീതിബോധവും കരുണാശീലവും ഉള്ള എല്ലാവരേയും ഇതിന്റെ ആവശ്യകതയെ ബോദ്ധ്യപ്പെടുത്തീട്ടുണ്ടെന്നാണ് വിചാരിക്കുന്നതു്. ഈ പ്രമേയത്തെ നിങ്ങൾ എല്ലാവരും അനുകൂലിക്കുമെന്നാണ് ഞാൻ ഇ

[Mr. L. C. Hodgson.]

പ്പോഴും വിശ്വസിക്കേണ്ടതു. "വേണമെങ്കിൽ ചക്ക വേരിലും കായ്ക്കും; ഇല്ലെങ്കിൽ കൊമ്പത്തുമില്ല" എന്നൊരു പഴഞ്ചൊല്ലുണ്ട്. പ്രമേയം വോട്ടിനിടണമെന്ന് അപേക്ഷിക്കുന്നു.

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, I do not think that it is necessary for me to say anything more than what I have said on this motion by way of reply. I was very much interested and somewhat amused at what Mr. P. K. Narayana Pillai had to say on this motion. He seems to suspect that there is room for treachery and trickery in regard to these gifts. I understood Mr. Kunjitomman to say that, if there was trickery, it might be prevented by the officers of the Education Department or by the officers of the Police Department. Mr. P. K. Narayana Pillai seems to have got special gift in detecting instances of trickery in regard to the Education Department. I remember on a former occasion he alluded to a certain dodge which happened about 20 years ago. That shows that he has a very good memory.

Mr. T. K. Velu Pillai, I was very glad to observe, in a forceful and well-reasoned speech, opposed the motion on extremely sound lines and I hardly think that any other speech needs any comment from me.

I understood Mr. Kunjitomman to say that Pulayas, Malavedas and Parayas constituted a certain proportion of the population and therefore a proportionate amount of the money in relation to their population should be spent on their education. I cannot regard that, Sir, as a sound or rational proposition at all. One has to remember that there are different branches of the Education Department on some of which very large sums will have to be spent on a comparatively small number of pupils. When we consider the Honours Classes in History and English in the College which we have had for the last few years, it may be said that the expenditure we incur on that institution is disproportionate to the portion of the population benefiting thereby. If we are to spend money in proportion to the number of members of these classes, a very much larger sum will have to be allotted than at present.

I would like to say one more thing and that is a point which has been overlooked. It has been urged that, inasmuch as other classes also participate in the benefits of free primary education, Pulayas, etc., do not have any particular benefit for themselves. I think, Sir, if we realise the fact that free primary education was introduced specially for the benefit of these poor classes so that education may be within the reach of the poor, we shall not feel like that. If it had not been for the purpose of enabling these poor and depressed classes to go to school, I do not think that the Government would have introduced free primary education twelve or thirteen years ago. It is specially for the education of Pulayas, Parayas, Kanikkars and a host of other depressed classes,

whose names I mentioned just before, that free primary education is being imparted in schools. That wealthier classes participate in and benefit by it does not alter this fact. Therefore, I think that Government have already given a very large share of support in this matter. With these words, I oppose the resolution.

PRESIDENT: Mr. Kunjitomman wants the House to divide. So I shall put the resolution to the vote of the House.

The resolution was put to the vote and lost, 12 voting *for* and 21 *against*.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): വോട്ടു എടുക്കണം.

AYES—12.

1. MR. A. Hoogewerf.
2. „ M. K. Khadir Pillai.
3. „ The Rev. Fr. Kuriakose Vettikkapalli.
4. „ K. Dominic Tomman.
5. „ Ramankunju.
6. „ Joseph Panjikaran.
7. MR. G. Paramesvaran Pillai.
8. „ K. Paramesvaran Pillai.
9. „ N. Ramakrishna Pillai.
10. „ T. Lakshmana Pillai.
11. „ Paul V. Daniel.
12. „ Tariatu Kunjitomman.

NOES—22.

1. MR. I. C. Chacko.
2. „ T. M. Chidambaratanu Pillai.
3. „ R. Dhanukoti Pillai.
4. „ A. Govinda Menon.
5. „ L. C. Hodgson.
6. Rao Bahadur K. A. Krishna Aiyangar.
7. MR. R. Krishna Pillai.
8. DR. N. Kunjan Pillai.
9. Dewan Bahadur Dr. P. N. Lakshmanan.
10. MR. K. C. Mammen Mappillai.
11. „ P. K. Narayana Pillai.
12. MR. K. V. Natesa Aiyar.
13. „ R. Nilakanda Pillai.
14. „ S. Paramesvara Aiyar.
15. „ W. H. Pitt.
16. „ M. Raja Raja Varma.
17. Rao Bahadur K. V. Rangaswami Aiyangar.
18. MR. S. C. H. Robinson.
19. „ V. Subba Aiyar.
20. „ S. Subrahmanya Karayalar.
21. „ A. J. Van Ross.
22. „ T. K. Velu Pillai.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish the names of the neutrals also be recorded.

NEUTRALS—9.

1. MR. P. Paramesvaran.
2. „ M. N. Pillai.
3. „ N. Padmanabha Pillai.
4. „ M. R. Madhava Variar.
5. „ V. Kunjukrishna Pillai.
6. MR. T. Kumara Pillai.
7. „ S. Krishna Aiyar.
8. „ C. P. Kochukunju Pillai.
9. „ Trivikramar Vasudevar.

PRESIDENT: The motion is lost.

Separation of the Executive from the Judiciary.

PRESIDENT: The next resolution that stands on the agenda is against the name of Mr. G. Paramesvaran Pillai. It runs as follows:

This Council recommends to the Government that early steps be taken for effecting a complete separation of the executive from the judiciary and placing the entire judiciary under the direct and immediate control of the High Court.

He will now move the resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to move that this Council recommends to the Government that early steps be taken for effecting a complete separation of the executive from the judiciary and placing the entire judiciary under the direct and immediate control of the High Court.

Sir, in moving the resolution on the complete separation of the executive from the judiciary, I do not propose to take up the time of this House in dealing with the several arguments in support of the principle underlying my motion. The question has no novelty about it, for the attention of the public and the Government has been drawn to it for several decades now.

The subject came up for consideration even so far back as 1792, when Lord Cornwallis' Government declared that the combination of the executive and judicial functions was highly objectionable and undesirable. Mr. Frederic Halliday, President of the committee appointed to enquire into the Police organisation, observed in his memorandum that, so long as this combination of functions lasted, public confidence in our tribunals must always be liable to injury and the authority of justice itself must be abused and misapplied and that the power of appeal was not a sufficient remedy. Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Raymond West, Sir John Budphear, Sir William Markby and Mr. Reynold memorialised the Secretary of State on this matter in 1899. Sir Barnes Peacock, Chief Justice of the Bengal High Court, was strongly in favour of complete separation. R. C. Dutt, Sir Harvey Adamson, Sir Surendranath Banerjea and P. C. Mitter had framed elaborate schemes of separation as well. Subsequent to this, the Governments of the United Provinces, Bihar and Orisa, the Punjab, Central Provinces, Bengal and Bombay have accepted the principle of separation and committees were appointed to draw up schemes for giving effect thereto. The Governments of H. E. H. the Nizam of Hyderabad, and Their Highnesses the Maha Rajas of Indore, Baroda and Kapurthala have ordered the severance of the two functions. The Legislative Assembly and the Madras Legislative Council have passed resolutions in favour of complete separation.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I correct Mr. G. Paramesvaran Pillai? The Madras Council has not passed a resolution on the subject.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It has passed a resolution for the appointment of a committee and I suppose the principle is accepted before committees are appointed to work out detailed schemes.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Only a resolution for the appointment of a committee has been passed by the Madras Council.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is all that I said. The committees appointed by the Madras and Bengal Governments have also submitted their reports giving details of their schemes.

In Travancore, we find that, so far back as 1811, the first reform which Col. Munro effected when he took charge of the administration was the separation of the revenue and judicial functions from one another by abolishing the offices of Valia Sarvadhikaryakar and Sarvadhikaryakar. The Karyakars were also deprived of their judicial functions and were reduced to the position of mere revenue officers under the name of Tahsildars. By 1834 the judiciary was entirely re-constructed upon the model of the British Indian system and the Tahsildars were given police and magisterial functions.

Coming to modern times, from the second session of the Sri Mulam Popular Assembly, repeated representations have been made urging the complete separation of the two functions and the desirability of placing the magistracy under the direct control of the High Court as in the case of the munsiffs and judges. Pointed attention of the Government was drawn to this matter at the eighteenth session of the Assembly by my friend Mr. Kunjitomman; and the Dewan on behalf of the Government declared that there was no difference between the Government and the member as regards the soundness of the policy suggested by him. But he could not overlook the fact that there were some practical difficulties in giving full effect to his suggestions. The Dewan added that the Government would do their best to give effect to this policy as far as possible. A few questions on the same subject in the Legislative Council under Regulation I of 1095 also elicited the answer that the matter was engaging the attention of the Government.

From these, it will be clear that the Governments, both here and elsewhere, have recognised the soundness of the policy urged in this respect by the representatives of the people. We are not yet fully aware of the nature and extent of the practical difficulties that stand in the way of the Government giving full effect to this much-needed reform.

Sir William Vincent quoted with approval the meaning of the term 'separation' as stated by a Law Member of the Government of India, *i. e.*, that the judicial officers should be specially trained for their duties and that in performing these duties they should not be subjected *to any form of executive pressure*. According to the Hon'ble Pandit Jagat Narayan of the United Provinces, the separation of judicial and executive functions really means that those who are entrusted with judicial work

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should not be placed under any subordination to those authorities which have to exercise executive functions. Those who are entrusted with judicial functions should in no way be under the authority of executive officers in order that their judgments might not be influenced by anything said or done by these officers. When a similar resolution was under discussion before the Legislative Assembly, Sir William Vincent, the official member in charge, observed:

"The necessity of trials being held in an atmosphere of cool impartiality is a matter of great importance, and there is in many cases a fear, an unjustified fear, I believe, but still an apprehension that an over-zealous officer in his anxiety to preserve his good credit as an administrator in a sub-division or to maintain the peace, may be too ready to credit prosecution evidence and not likely to be absolutely fair to the accused. I do not think there is any ground for that apprehension, but I believe in some cases it does exist. There is on this account a feeling of mistrust of our courts in some cases. I believe there is little foundation for it, but it is there, and it is all important in a judicial trial that the court should be such as to command the absolute confidence of those who appear before it. That is indeed a general principle of the greatest importance whether the apprehensions are sound or not."

So, he was in favour of separation; but how far that could be carried out was a matter of method and resources; and we find that the Travancore Government are also substantially of the same view.

As observed in the report of the committee of the Bengal Government, in framing any scheme on this subject, the following essential points should be borne in mind:—

(1) Separation should be as complete as possible;

(2) it should disturb existing conditions as little as possible;

(3) so far as is consistent with efficiency, any increase of cost should be minimised as far as possible.

If these essentials are kept in view, it appears to me that no serious practical difficulties can present themselves to the Government in the carrying out of the reform without any further delay.

From the discussion on the subject carried on in other Legislative Councils, I can perceive only two arguments that may be advanced on behalf of the Government with any degree of fairness against complete separation being effected at once. They are, firstly, the probable additional cost and, secondly, the difficulties in divesting the District Magistrates and their assistants of the powers under the preventive sections of the Criminal Procedure Code. Both these difficulties have been solved by the committees appointed elsewhere for the purpose and by other eminent men who have bestowed some consideration upon this question. To my mind, it appears that, in Travancore at any rate, neither of the above considerations need block our progress in effecting a complete separation of the two functions, inasmuch as the way has already been paved for us long ago and all the necessary facilities already exist among us even at present.

Several practical schemes for separation have been evolved by eminent jurists in India. The latest report available to the public is

that of the Bengal Committee. That committee presided over by a High Court Judge examined all the previous schemes on the subject and their main recommendations do furnish a working basis for us.

According to that Committee—

(1) The hearing of appeals from all magistrates with second and third class powers should in future take place not before the District Magistrate—Collector or his subordinates, but before the Sessions Judge or some purely judicial officer empowered in that behalf.

(2) The inspection of criminal courts should also be made by the Sessions Judge or some purely judicial officer empowered in that behalf and the responsibility for the efficient working of all criminal courts in the district and due despatch of criminal business should rest in future not with the District Officer but with the Sessions Judge.

They say that, unless this is done, there is a grave risk that the criminal work of the district may deteriorate.

(3) The present staff of Deputy Magistrates—Deputy Collectors, Sub-Deputy Magistrates—Sub-Deputy Collectors should be divided into two branches, and one should be employed in purely judicial work and the other in purely administrative, executive and revenue work.

They say that the control and supervision, including questions of pay, promotion and transfer of those engaged in purely judicial work, should lie exclusively with the judicial authorities.

(4) The High Court should exercise the same control and supervision over the magisterial staff as they now exercise over the civil staff.

In regard to preventive sections, there are two opinions embodied in the report.

In ordinary cases under sections 107, 108, 109, 110, corresponding to our sections 90, etc., when the district officer requires a person to show cause, the proceedings shall be sent for trial before a judicial officer, but in cases of emergency which arise under these sections and when immediate action is necessary, it shall be open to the district officer to pass orders, but such orders shall be appealable before the Sessions Judge. Proceedings under sections 145 and 147 shall be before a judicial officer only, initiation of proceedings and the power to make provisional orders under section 145 (4) remaining as at present with the district officer.

In order to avoid delay in emergent cases, the committee provide that the district officer should forward the proceedings to the Sessions Judge with a request that they be speedily disposed of and that a High Court order should require the District Judges to give effect to the request at once.

The other view with regard to the preventive sections of the Criminal Procedure Code is that the powers under those sections should be taken away from the executive officers and transferred to the purely

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judicial officers above mentioned. The district officer may retain the power of initiating or drawing up proceedings under these sections, but the hearing should take place before a judicial officer.

Now, without incurring any additional cost, it appears to me that we can adopt the policy enunciated in the above recommendations. We have at present 19 Stationary Magistrates who are purely judicial officers. That being so, when they are placed directly under the administrative control and supervision of the High Court or the Sessions Judge, and when the powers to hear appeals from these magistrates are taken away from the Dewan Peishkar and District Magistrate and conferred on the Sessions Judge or other purely judicial officer, the separation will be complete and effectual, in so far as the subordinate magistracy is concerned. And this does not and cannot involve any additional cost. For the time now being devoted to the hearing of criminal appeals by the district officers and their assistants cannot be said to be much. In 1097, the number of cases disposed of by 13 courts was just over 1,500, or, on an average, 113 cases per court in one year. It will be seen that most of these cases may have been filed on one and the same judgment and so the time bestowed in hearing one appeal will be sufficient to dispose of more than one such appeal. So, in case the Sessions Judges are asked to hear these appeals, much of their time will not be occupied on this account and there will be complete separation effected to that extent.

Then, we have at present three Peishkar-District Magistrates, one Commissioner-District Magistrate and eight Division Assistants and First Class Magistrates. In case the judicial functions are separated from these officers, I should certainly think that even the Government will concede that, for purely revenue and executive functions, they do not require as many as four district officers and eight assistants. To my mind, it should then be possible for the Government to set free one-half of the above number, or at least five of the Division Assistants to be in charge of purely judicial work and exercising first class magisterial powers in important centres.

I would also suggest that, in regard to the powers under the preventive sections, it is desirable to retain with the District officers merely the power to initiate or draw up proceedings and send up the cases for hearing and trial before the Sessions Judge. It may be argued that the Sessions Judge may not find time for all this additional work imposed on him. My answer is this: It is well-known to my lawyer friends that in practice the District Judges at present seldom find time to take up civil work owing to pressure of criminal work. This has resulted in several instances in vast accumulations of arrears on the civil side, and both permanent and temporary Additional Judges have been appointed. One of the Additional Judges may be put in charge of all the criminal work, including the additional duties which the District Judge may be entrusted with when the separation scheme is given effect to; and this

may be done even without making any material amendments to the Criminal Procedure Code, for the Government may by notification invest such Additional Judge with the powers of a District Magistrate. In other words, the existing Additional Sessions Judges may be converted into the purely judicial officers contemplated by the Bengal Committee to exercise the functions of the District Magistrate and his assistants, except in the matter of trying original criminal cases triable by a First Class Magistrate.

In British India, the delay in giving effect to the separation of functions appears to me to be due more to considerations of political expediency than anything else. But, fortunately, we here are placed in a more advantageous position in that respect. For political agitation in this country is a most peaceful game. Conditions here do not admit of any comparison with those obtaining in British Indian politics. The oft-quoted phrase, "maintenance of law and order" has no special significance to us, for there is nothing abnormal in our being orderly or law-abiding.

The change will thus not involve any additional cost, nor is it likely to result in public inconvenience. In fact, in the long run, there will be even a saving in the expenditure under District Courts, for the District Judges may under the altered conditions find it possible to devote greater attention to civil cases, and some at least of the Additional Judges now temporarily appointed may be dispensed with. At any rate, it is almost certain that the new scheme will not necessitate any further expenditure than is being now incurred on account of the Temporary Additional Judges.

Speaking of the additional cost, I might also submit incidentally that it is my firm conviction that the sub-magistrates are very much underpaid. In any scheme of separation of functions, it is essential that the position of the magistrate and that of the munsiff should be interchangeable. In fact, only qualified men with sufficient legal training should be recruited as magistrates. The power of appointment may rest with Government as in the case of munsiffs and Judges. But the High Court may be asked to nominate duly qualified men for recruitment to the criminal branch of the judiciary, just as they are asked to nominate candidates for munsiffs' and Judges' posts. This will ensure greater purity in the administration of justice and will tend to foster judicial independence throughout the entire judiciary. This cannot be fully attained without improving the pay and prospects of the sub-magistrates. The prestige of the magistrate has in recent years been very much lowered in the eyes of the public and the policemen, on account of the comparativly low salary now attached to his office. A police officer, with decidedly inferior qualifications, is able to boss over the magistrate, for he receives a more decent pay than the latter. But the improvement of the pay and prospects of the sub-magistrates is already their due and cannot be said to be the direct result of any scheme of separation, but should be regarded as part of a general scheme of reorganisation.

In regard to public convenience, it will not suffer, for the reason that we have District Courts within short distances and at convenient

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centres. The public will also prefer their appeals being heard by a higher forum, *viz.*, the Sessions Court.

It is, therefore, my earnest appeal to the Government that the considerations weighing with the Government in British India in delaying the introduction of this reform should not in the least influence this Government, and that, as in several other matters, we might take a lead in the right direction for others to follow in due course. Therefore, I would commend this resolution for the acceptance of this Council.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

PRESIDENT: Mr. Kunjitomman, your resolution is substantially identical. Do you move yours or wish to bring it up as an amendment? Or do you withdraw your resolution?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): റവന്യൂവും മജിസ്ത്രീരിയലും അധികാരങ്ങൾ രണ്ടും ഒരുദ്യോഗസ്ഥനിലിരിക്കുന്നതു് വളരെ ദോഷകരമായിട്ടുള്ളതാണ്. അതുകൊണ്ടാണ് ഞാൻ അതിനെ വേർപെടുത്തണമെന്ന് ഒരു പ്രമേയംകൊണ്ടുവന്നിട്ടുള്ളതു്. ആ പ്രമേയത്തിന്റെ തത്വത്തിന്നനുസരണമായിട്ടാണ് എന്റെ സ്നേഹിതൻ മിസ്റ്റർ പരമേശ്വരൻപിള്ളയുടെ പ്രമേയവും. അതിനാൽ ഞാൻ ഈ പ്രമേയത്തോടു പൂർണ്ണമായി യോജിക്കയും എന്റെ പ്രമേയത്തെ പിൻവലിക്കയും ചെയ്യുന്നു. ഇങ്ങനെ ഒരു പ്രമേയംകൊണ്ടുവരാനുള്ള കാരണം റവന്യൂ ഉദ്യോഗസ്ഥന്മാർ മജിസ്ത്രീരിയൽ കാര്യങ്ങൾ നടത്തുമ്പോൾ ജനങ്ങൾക്കു വളരെ സങ്കടമുണ്ടാകുന്നതാണ്. ഒരാളുടെ പേരിൽ എക്സൈസിലേയോ ഫാറസ്റ്റിലേയോ മറ്റേതെങ്കിലും ഡിപ്പാർട്ടുമെന്റിലേയോ ഉദ്യോഗസ്ഥന്മാർ കേസുകൾ കൊണ്ടുവരുന്നതു മിക്കവാറും ഗവർൺമെന്റിനു നഷ്ടംവരുത്തി എന്നുള്ള സ്വഭാവത്തിലായിരിക്കും. അതിൽ റവന്യൂഉദ്യോഗസ്ഥനായ മജിസ്ത്രേട്ട് ഇങ്ങനെയുള്ള കേസുകളെ മററു കക്ഷികൾ തമ്മിലുള്ള കേസുകളെപ്പോലെ വിചാരിച്ചുവരുന്നില്ലെന്നാണ് പൊതുജനബോദ്ധ്യം. എന്തായാലും ജനങ്ങൾക്കിതിൽവലിയ സങ്കടമുണ്ട്. പൊതുജനങ്ങളുടെ ഇടയിൽ പരക്കെ സങ്കടമായിട്ടുള്ള ഈ സംഗതി ഞാൻ ഇതിനുമുൻപ് ഒരുപ്രജാസഭയിൽ പ്രസ്താവിച്ചിട്ടുണ്ട്. അന്നു തഹശീൽദാർമാർക്കു മജിസ്ത്രേട്ടധികാരം ഉണ്ടായിരുന്നു. ഇപ്പോൾ അതു വേർപെടുത്തിയിരിക്കയാണ്. എന്നാൽ അതുകൊണ്ടു പൂർണ്ണമായ പ്രയോജനമില്ല. ഇപ്പോഴത്തെ സ്റ്റേഷണറി മജിസ്ത്രേട്ടന്മാർ റവന്യൂഉദ്യോഗസ്ഥന്മാരുടെ കീഴിൽതന്നെയാണല്ലോ. അവരുടെ അപ്പീൽ കേൾക്കുന്നതു് ഡിവിഷൻ അസിസ്റ്റൻറായ ൧-ാംക്ലാസ് മജിസ്ത്രേട്ടോ പേഷ്കാരായ ഡിസ്ത്രിക്ട് മജിസ്ത്രേട്ടോ

ആണ്. എക്സൈസ്, ഫോറസ്റ്റ് മുതലായ കേസുകൾ വരുമ്പോൾ അവരും കീഴിലുള്ളവരെ അനുകരിച്ചു കാണുന്നു. കേസിന്റെ നടപടികളിൽതന്നെ വളരെ വ്യത്യാസം ഉണ്ടാകുന്നുണ്ട്. ഒരു ഫോറസ്റ്റ് റേഞ്ചരൊ എക്സൈസ് ഇൻസ്പെക്ടരൊ കൊണ്ടുവരുന്ന കേസ് വളരെനാൾ നീട്ടി കക്ഷികളെ വളരെ സങ്കടപ്പെടുത്തുന്നുണ്ട്. എക്സൈസ് കേസുടുക്കുമ്പോൾ എക്സൈസ് ഇൻസ്പെക്ടർ മിക്കപ്പോഴും വരികയില്ല. ഫോറസ്റ്റ്കേസ് എടുക്കുമ്പോൾ റേഞ്ചർ ആനയെപിടിപ്പിക്കാനൊ തടി വില്പിക്കാനൊ പോയേക്കാം. അവർ വന്നില്ലെങ്കിൽ കേസ് പിന്നെയുംനീട്ടും. ചിലർക്ക് മനഃപൂർവ്വവിരോധം ഉണ്ടെങ്കിൽ ഇങ്ങനെ കേസുകൊടുത്തു ബുദ്ധിമുട്ടിക്കാം. തെളിവില്ലാതെവന്നു് പ്രതിയെവിട്ടാലും അവധിനീട്ടിവയ്പിച്ചു കക്ഷിയേയും സാക്ഷികളേയും നടത്തി കഷ്ടപ്പെടുത്താം. അതുതന്നെ ഒരു ശിക്ഷയായിട്ടാണ് ഇരിക്കുന്നതു്. ഞാൻ ഒരു വക്കീലുമല്ല; വാദിയുടേയോ പ്രതിയുടേയോ നിലയിൽ ക്രിമിനലോ സിവിലോ കേസു നടത്തിയുള്ള അനുഭവവുമെനിക്കില്ല. എങ്കിലും ജനങ്ങളുടെ സങ്കടം ഈ വിധത്തിലാണെന്ന് എനിക്ക് അവരിൽ നിന്നറിയാം.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): സാക്ഷിയായിട്ടെങ്കിലും പോയിട്ടില്ലെ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): വാദിഭാഗം സാക്ഷിയായിട്ടു രണ്ടു ഫോറസ്റ്റ്കേസുകളിൽ കോർട്ടിൽ പോയിട്ടുണ്ട്. ഒരു കേസിൽ ൧൦ തവണയിലധികം അവധി നീട്ടിയതുകൊണ്ടു ബുദ്ധിമുട്ടുകയുംചെയ്തു. ആ അനുഭവംകൂടി ഇരുന്നിട്ടാണ് ഞാൻ പറയുന്നതു് കുടികൾ തമ്മിലുള്ള കേസുകളിൽ ഒന്നിലും ഞാൻ സാക്ഷിയായി പോയിട്ടില്ല.

അതുകൊണ്ടു ഗവർൺമെന്റിന്റെ കേസായാലും കുടികളുടെ കേസായാലും നീതിന്യായം നടത്തുന്നകാര്യത്തിൽ ഒരുപോലെ പ്രവർത്തിക്കേണ്ടതാണ്. ഈ സംഗതിയിൽ റവന്യൂഉദ്യോഗസ്ഥന്മാരായ ന്യായാധിപന്മാരിൽ ചിലർ എന്തുചെയ്യേണ്ടുഎന്ന ധർമ്മസങ്കടത്തിലായി തീരുന്നുണ്ട്. അതിനാൽ അവരെ ഹൈക്കോടതിയുടെ കീഴിലാക്കിവയ്ക്കണം. ഗവർൺമെന്റുകേസുകൾക്കു മററുള്ളവയിൽ നിന്നു പ്രത്യേകമായ ഒരു പദ്ധതി വേണമെന്ന് ഗവർൺമെന്റ് ആശിക്കുന്നില്ലെന്നു വിചാരിക്കുന്നു. മുൻസിഫന്മാരും, ജഡ്ജിമാരുമൊക്കെ ഓരോകാര്യങ്ങൾ പ്രവർത്തിക്കുന്നതുപോലെ ഇവരും കൂടുതൽ ന്യായത്തോടെ പ്രവർത്തിക്കുന്നതിനു മജിസ്ട്രേട്ടധികാരത്തെ റവന്യൂഉദ്യോഗസ്ഥന്മാരിൽനിന്നു പൂർണ്ണമായി വേർപെടുത്തുകതന്നെ ചെയ്യണം. അതുകൊണ്ടു ഞാൻ ഈ പ്രമേയത്തെ പൂർണ്ണമായി അനുകൂലിക്കുന്നു.

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, Government do not object to the principle underlying the motion. On the other hand, much has been done in that direction, and I am glad to see that Mr. Paramesvaran Pillai has referred to it. But the difficulty lies in giving practical effect to the separation right through from top to bottom; and the question is whether it would be possible or desirable to do so. I will therefore try to lay before the House what has been done, and if possible, to convince Mr. Paramesvaran Pillai of the practical difficulty in that direction and leave the House to judge.

In the first place, it will be conceded that, so far as criminal work is concerned, it is now done by the Bench Magistrates, by the stipendiary Stationary Magistrates, by the Tahsildar, by the Division Assistant and First Class Magistrate, and by the Sessions Court and the High Court. Of these, it will be conceded that the work of Bench Magistrates is completely separated from the executive. Therefore,nothing more is desirable in that direction.

With reference to the Second Class and Third Class Magistrates, Mr. Paramesvaran Pillai told us that there are about nineteen Stationary Magistrates, and he was good enough to admit that they exercise purely judicial functions, so that the only other persons who are magistrates are only five in number, *viz.*, the Tahsildars of Nedumangad, Pattanapuram, Pattanamtitta, Todupuzha and Minachil. In these places the magisterial work is very light and the revenue work is not very heavy, with the result that it was thought that both might be combined in the same set of officers. If, consistent with financial considerations, the Tahsildars could be divested of their magisterial work, and Stationary Magistrates could be appointed in these places also, Government would gladly do so. But in asmuch as the work is not heavy and since the cost also will be very much—each Stationary Magistrate costs on an average about Rs. 2,500 per annum—it was thought that such a separation was not necessary. Therefore, so far as the lowest ranks of magistrates are concerned, there has been complete separation.

At present, the decisions of a magistrate are heard in appeal only by the First Class Magistrate, though theoretically the District Magistrate also has got the power. I believe the members of this House are aware that the District Magistrates do not ordinarily exercise that power and it is the First Class Magistrates or the Division Assistants that usually hear the appeals and dispose of them. These officers do not exercise any sort of control over the magistrates. In other words, so far as these officers are concerned, *viz.*, the Division Assistants, they have no manner of control over the Stationary Magistrates except in the matter of hearing appeals under the Criminal Procedure Code. Every decision of Stationary Magistrates is also subject to revision by the Sessions Court and the High Court. On account of our State being very small and on account of the consequent nearness of the High

Court from even the farthest corners of the State, I think that, in cases of miscarriage of justice or error in procedure on the part of the Stationary Magistrates, parties immediately appeal to the High Court for their interference in the matter. Appeals from the Stationary Magistrate's Court are heard by First Class Magistrates. I have not heard anything from Mr. Paramesvaran Pillai to the effect that either the District Magistrate or the Government do exercise any influence over their subordinates in their discretion in judicial matters and thus cause any miscarriage of justice, and I do not think any member of the House will vouch for it. Mr. Kunjitomman was in a position to say that in Forest and Excise cases adjournments were freely granted and people were unnecessarily worried. I think that remark is due to the fact that he has not had experience of attending courts in other criminal cases wherein also adjournments are freely granted.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): As a point of personal explanation, I may say that I *did* make a statement to this effect that, in regard to cases where the executive is suspected to have some interest, there is a general apprehension that justice will not be carried out.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As a matter of fact, it is within his knowledge that no influence is exercised by the District Magistrate in the matter. I did not hear any statement made by him to that effect. Unlike in British India where there is only one High Court which is very far off from the remote corners of the country, and where, therefore, revisions will be very costly, here, any miscarriage of justice or error of procedure might at once be rectified by the High Court which is very near from all parts of the State.

MR. JOSEPH PANJIKARAN (*Shertallai*): If any underhand influence is brought to bear upon the administration of justice, is it possible for the public to know that?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In cases where a Government officer may be the prosecutor, it may be thought that the administration of justice might be affected. But in such cases an appeal lies to the First Class Magistrate and a revision to the Sessions Judge and also the High Court. That is why I said that, *as a matter of fact*, there will be no difficulty in cases of miscarriage of justice and other errors on the part of magistrates. So far as such matters are concerned, the decisions of the magistrates are entirely under the control of the judiciary.

Then it was stated that the District Magistrate has got some sort of power over the Sub-Magistrates; but such powers relate mainly to the revision of calendars, transfer of cases, and inspection.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I did not quite understand what Mr. Subba Aiyar meant when he said that the High Court has no control over the magistrates.

PRESIDENT: He said that the High Court *has* control.

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said the High Court has control. What I said was that the Stationary Magistrate, in so far as his decisions are concerned, is absolutely free from the executive control of the District Magistrate. Therefore, so far as the Stationary Magistrates are concerned, my point is that, in the disposal of cases and hearing of appeals there has been complete separation and that there is nothing more that has to be done.

Coming to the Sessions Court and the High Court, I do not think that there too there is anything that has to be done, because they have purely judicial functions and everybody is satisfied that they are free from executive control. Therefore the only direction in which anything can be done and where Mr. Paramesvaran Pillai would like to have anything done is in the case of the Division Assistants and the District Magistrates. As regards them, I was saying that the District Magistrates were exercising powers over subordinate magistrates only with reference to three matters, *viz.*, revision of calendars, inspection and transfer of cases. These are the only three powers which the District Magistrates ordinarily exercise over the subordinate magistrates and the objection that is ordinarily levelled against the District Magistrate is that in certain cases he is both the prosecutor and the judge. So far as District Magistrates in Travancore are concerned, they have no interest in any of the departments, unlike in British India where the District Collectors are virtually the heads of the district and advise the district officers of the various departmnets. In Travancore, there is no such difficulty. The District Magistrates have nothing to do with the Forest, Excise or other departments. I concede that one should not be a prosecutor and a judge. In discharging the duties I have detailed above, the District Magistrates do not violate the above principle but only enforce promptitude and procedure and prevent the perversion of justice by not allowing prejudice to warp right judgment.

Supposing we divest these District Magistrates of their judicial functions, what is it that has to be done? I will come to that matter presently when I deal with another aspect of the question.

Another duty of the District Magistrate is the prevention of offences or the exercise of the powers of the preventive chapters of the Criminal Procedure Code, *viz.*, Chapters VIII to XII. With reference to these chapters, it will be conceded that, everywhere, prevention of offences is effected rather by the executive than by the judiciary. In every civilised country, whether in British India or elsewhere, it has all along been the duty of the executive. Therefore, it is absolutely necessary in public interests that the prevention of offences should be with the executive, for it is not enough if a Sessions Judge sits quiet in a room to exercise such powers. The officer will have to go n person and see if there is any chance of any breach of the peace being committed, and if so, put into effect the means of preventing the same. I do not think

that anywhere the judiciary are entrusted with that function, and I may say that if anywhere it had been tried it would have proved a failure, because it would be impossible for the Sessions Judge to run up from his Bench to prevent offences. Therefore, so far as the preventive chapters are concerned, the work must vest in the executive.

My friend Mr. Paramesvaran Pillai referred to the Bengal Committee's Report and also said that the conditions in Travancore are different from those in British India. I also base my observations on that portion of his argument. So far as the other portions are concerned, the agitation in British India for the separation of the executive from the judiciary is due to various reasons.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know, Sir, whether the agitation was confined to Bengal alone?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At any rate the agitation was started there for specific reasons which do not exist here. In Bengal, for instance, I understand that it was the police that were supplying the information that is being supplied by the village staff elsewhere, and that as a class they were unpopular. Again in Bengal every complaint has to be filed before a magistrate having jurisdiction over the whole District and he distributes these cases to the various subordinate magistrates. A complainant does not know, until he receives a notice, before whom he should appear to prosecute his case and the litigants are in consequence put to considerable difficulty. Such things do not exist here. But so far as the Stationary Magistrates here and their powers are concerned, they are similar to the conditions in Madras, where each magistrate has a local jurisdiction and is empowered to receive complaints and to dispose of cases that come before him, unless these cases happen to be transferred from him by the higher magistrates.

I may here refer to the other portion of Mr. Paramesvaran Pillai's observations with reference to the preventive provisions of the Criminal Procedure Code. With reference to this, there seems to be some difference of opinion and the Committee's report has not yet been accepted. They say that the initiative may be taken by the magistrate but the final order must be passed by the magistrate. That procedure is condemned in very strong words by the Madras Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the Madras Committee's Report is available to the public?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have got a copy.

That the Sessions Judge should dispose of the cases under the preventive section of the Code is not considered to be satisfactory. It is not enough if the District Magistrate takes the initiative alone. The power of disposal should also vest in him. It will be enough if the Sessions Judge is empowered to hear appeals from the decisions of the District Magistrates in such cases. But to take prompt action and initiative it may not be possible for the Sessions Judge. Further,

[Mr. V. Subba Aiyar.]

the Sessions Judge has very heavy work otherwise, so that, so far as the District Magistrates are concerned, they must continue to exercise the executive and preventive powers vested in them under the Criminal Procedure Code.

The only other thing left is as regards the powers vested in regard to supervision and transfer of cases which are very little. The question then is, with reference to these three powers that are now being exercised by the District Magistrates, whether they should be taken away. I may draw upon the experience of my lawyer friends to say whether the powers of transfer are restricted to the District Magistrates. Almost all the applications for transfer before the High Court are generally transfer of cases from one subordinate magistrate to another after going to the District Magistrates or before going to him. So the powers of transfer are not strictly confined to the District Magistrate. As a matter of fact the High Court does interfere with the decision of the District Magistrates in such cases. That being the case, it is purely nominal and I believe not of any serious consequence. The only other matter is with respect to the revision of calendars. So it is a matter for consideration whether we should go to the extent of appointing additional officers as Additional Magistrates or Sessions Judges. My friend Mr. Paramesvaran Pillai thinks that the additional Sessions Judges may be made District Magistrates and that no amendment of the Code is necessary. I would rather join issue with him because under the Criminal Procedure Code the Additional Sessions Judges do exercise the powers of a Sessions Judge. The sessions cases are transferred to them, *i. e.*, cases committed by the First Class Magistrates are tried by them; so that, unless you appoint some other officer and do not call him Additional Sessions Judge, Second Judge and Third Judge, the remedy will not be satisfactory. The result will be that we will have to create a particular class of officers for the purpose of hearing appeals. Now, these appeals, as will be found from the statistics, are very large in number, and as such they will require for each District another separate judge. The cry in the State has been for retrenchment and yesterday we spent a very large amount of time in considering that question. While so, whether for the purpose of removing the power that now vests in the District Magistrate, which is only nominal and which is insignificant—and I may even say of not any consequence -- whether for this puropose we should go to the extent of creating a new class of officers and spending a large amount of money is a matter to be seriously considered by this House.

The next point is whether the Division Assistants themselves could be divested of their revenue work. I may assure the House that if it were possible the Government would have no objection to do this. The possibilities of making some of these Division Assistants purely judicial officers and others purely Revenue Assistants to the Peishkars

are being explored by the Government, and nothing can be said at present. There are eight Division Assistants according to my friend Mr. G. Paramesvaran Pillai, and I believe he is correct.

PRESIDENT: Eight is correct.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As I said, whether some of these could be made purely First Class Magistrates and others purely Revenue Assistants is a matter the possibility of which is being explored by Government; and if Government find it possible to do so they will do it. If so, everything that could be done and is desirable to be done would have been done. That is why I started at the outset by saying that the Government accept the principle underlying the motion. Very little remains to be done. And therefore there is no use in bringing in the analogy of other provinces, where nothing seems to have been done. As the mover put it, the agitation began as early as 1792 and we are now at the end of 1923. And yet very little seems to have been done elsewhere. The Government here, I believe, have without any agitation done a good deal and gone a great way in trying to separate the judiciary from the executive. Going to the Madras Committee, the first resolution—

PRESIDENT: I am afraid it is a confidential document and you cannot refer to it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I did not know that. From what appeared in the papers, I gathered that the District Magistrates should continue to exercise their magisterial powers.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether any such thing was published in the papers?

PRESIDENT: I myself remember to have seen a short account of the committee's report in the newspapers.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I did not find any of these recommendations in detail.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Bengal Committee's recommendations have not been accepted by the Government and I may assure my friend that it has not been accepted in Madras, irrespective of the conclusion other provinces may have come to. I believe I have convinced the House and I do not think that by the mere fact that the Bengal Committee has reported in a particular way the House is going to be convinced that way. Practically nowhere has it been tried.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know what the Madras Committee said about the administrative control of the entire branch of the judiciary also being transferred to the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that. The only other point is whether the appointment of these magistrates should be with the High Court or the Government.

[Mr. G. Paramesvaran Pillai.]

There seems to be some misapprehension on the point. My friend was prepared to concede that the appointment of these magistrates may be with the Government as it is now.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I said so because there is no other body which *appoints* the other judicial officers as well.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as the control of the magistracy is concerned, it lies with the High Court to interfere with them in any way they choose.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the appointment of the magistrate is done in the same way as a munsiff is appointed?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is not done in the way in which it is done in the case of munsiffs; and the powers of appointment do not rest with the High Court. Almost all the higher appointments are made by the Government. I do not think that, because Government make these appointments, they interfere with the exercise of judicial functions. So far as the appointment of magistrates is concerned, one important point has to be taken into consideration. There may be and there is always some difference between the temperament as regards judicial functions and other functions, *e. g.*, magisterial functions, because, in the matter of the magisterial functions, the magistrate has to move with the people to be acquainted to some extent with the people of the locality and, therefore, as far as possible, Government would recruit magistrates from those persons who have got some acquaintance of the locality. At any rate, after they are appointed as magistrates, they are reverted as revenue officers in order that they may be able to discharge their functions later on in a higher magisterial capacity to better satisfaction, so that a change between the executive and the magistracy is desirable. What Mr. G. Paramesvaran Pillai wants is that the munsiffs and the magistrates should be interchangeable. That is why he pleaded for transferring the administrative control over the magistrates to the High Court. If he places the magistrates under the High Court, what are they to do for promotion? Are we to tell them, "once a magistrate always a magistrate"? Or should they be transferred to some other line in order that they may be able to rise higher? Otherwise, no magistrate would discharge his function properly. Therefore it was Mr. Paramesvaran Pillai suggested the interchange of the munsiffs and the magistrates. The question is about the disparity between the pay of the two sets of officers. The munsiff's pay rises from Rs. 200 to Rs. 350, and if the magistrates are to be interchangeable with munsiffs, their pay should be raised accordingly.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What is the minimum pay of a temporary munsiff when he is acting?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Rs. 150. The moment he is confirmed, he will, however, get the minimum pay of the scale.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Ordinarily, what period does it take for a munsiff to get confirmed?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A year or two. I believe sometimes it takes even a couple of years. But, all the same, the moment he is confirmed—and I believe every year one or two munsiffs are confirmed—he begins to rise automatically irrespective of there being any vacancy in a particular grade. If the magistrates are to be placed in the grade of munsiffs, what will be the cost on account of that arrangement is a matter which has to be taken into consideration very seriously before the House sanctions the proposal. In the second place, if we say that the High Court should have the power, I will ask a question of practical politics. What are we to do with men with high educational qualifications who are entertained in the Secretariat, in the High Court and in the Account and other offices as clerks? Are they to remain as clerks only? It is wise to give free flow of promotions from one department to another. In my humble opinion, it is most desirable that we should have such an interchange as otherwise it will lead to complications. Very many graduates and graduates-in-law have been expecting promotions as magistrates and to say that the Government by so appointing them as magistrates interfere in any way with the discharge of judicial functions by those persons would indeed be regrettable. But so long as it has not been established, I beg to ask whether, in the interest of these young graduates-in-law or graduates in the service, it is desirable to say that they should be recommended hereafter only by the High Court. That is a matter, as stated by me already, which requires serious consideration. I think it desirable, in the interest of criminal administration, that a person should be at one time or other an executive officer so that he may have some idea about the persons of the locality and therefore be in a position to appreciate better the evidence in the cases that come before him, because in criminal cases, as everybody knows, much depends upon verbal or oral testimony and not upon documents; so that in the matter of criminal administration I think the change between the executive and the judiciary will be desirable and it is therefore absolutely necessary that the Government should have power of appointments in these matters.

I beg to state that whatever is possible has been done and as to what remains to be done every possibility of it is being explored by the Government. I therefore beg to think that Mr. G. Paramesvaran Pillai will be satisfied with what has been done by the Government and what may be done by the Government in the matter.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am in substantial agreement with the resolution that has been moved so ably by Mr. G. Paramesvaran Pillai. It has been moved with a wealth of reasons and principles, and the learned

[Mr. T. K. Velu Pillai.]

mover has fortified it with the opinions of a brilliant galaxy of men, the name of any one of whom should weigh with this Council. Mr. Subba Aiyar has in a set of elaborate arguments agreed in the main with the resolution, but would accept the principle only with certain modifications and a few reservations.

As he has conceded that the separation of the functions of a Tahsildar and a magistrate had been deliberately made in view of the principle now contended for in this Resolution, I may urge upon the Council the necessity of separating the revenue functions and the magisterial functions in every taluk. The names of five taluks had been given in which the magistrate is also the Tahsildar. If there is any force in the argument that a combination of functions in the same officer may be detrimental to public justice, it is in these backward taluks that the separation should be at once effected.

PRESIDENT: If it were possible, the Government would have done that.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish it would be done at once, because the question of cost resolves itself into question of nothing. In the nature of the pay that we give to these magistrates, the cost would come only to Rs. 6,000 odd.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): For every office the cost would be Rs. 2,500.

MR. T. K VELU PILLAI (*Trivandrum* cum *Nedumangad*): I think it is a question of some more funds. I was speaking only about the pay of magistrates, not of the establishment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Necessarily the magistrates want an office staff.

MR. T. K VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was going to speak about that when Mr. Subba Aiyar interrupted me. The appointment of five magistrates would involve some expenditure, probably something more than Rs. 6,000. But when we realise that we are spending a good deal of money on several matters, such as the Murajapam and other things, Rs. 6,000 or Rs. 10,000 that may be necessary for the appointment of five magistrates would be nothing in view of the principle that is now contended for.

My friend Mr. Subba Aiyar observed that, although the First Class Magistrates are executive officers, the public do not suffer. I can give him my own experience in this matter because I occasionally go to the criminal courts, while my friend Mr. Subba Aiyar does not go there as often as I do; and I know that, when vakils of position go there, the First Class Magistrate may not attend the court on certain days. We find him absent from the court oftentimes because he has been asked by the District Magistrates to go and inspect a treasury. That is not an only example. There is an atmosphere of indifference in their discharge of judicial duty when that is combined with revenue duty. I have

observed it and my friends on this side—those who have gone to the magistrate's courts—will be able to testify to the fact that the amount of tention which may be devoted by the officer to the magisterial function sometimes resolves itself into slender limits. They are looked up to and regard themselves primarily as revenue officers. When the *Jamabandi* was introduced by Government, the First Class Magistrate had to go to a distant place and the vakil had to engage a car to go to the place and the poor client had to pay not only the vakil's fee but also the motor car charges, which are very high, and was thus put to great difficulty. But the Government wisely put a stop to that arrangement and now there is nothing to complain. I am referring to that only to show that the combination of these functions is very troublesome. As observed by me on a previous occasion when the budget was being discussed, I have always felt that the Income Tax Commissioner in spite of his judicial temperament is in a difficult situation because he is invested with quasi-judicial functions along with revenue duties. I shall therefore be glad if Government would see their way to effect a complete separation. The High Court, as has been observed by Mr. Subba Aiyar, have got appellate and revisional authorities, and if a magistrate goes wrong, no doubt the High Court can use their power and correct the mistake.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Can they do it in every case?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I never said that. Sometimes the mistakes may be corrected. The difficulty is that our law is so framed that the High Cour in cases of revision refuse to go into the evidence in the case. If one is charged with a heinous crime, he is committed to the Sessions Court and convicted by the Sessions Judge, and there is an appeal to the High Court from the decision of the Sessions Court; but if the conviction is entered against an unfortunate man by a Second Class Magistrate, one who has been a Second Class Magistrate till the previous month will be sitting to hear the appeal and one who is temporarily put in charge of the court as a First Class Magistrate and who has not got a good knowledge of law will take his stand on the finding recorded by the Second Class Magistrate.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask whether the same is not the case in the case of a munsiff who is just promoted as a Second Judge.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was just going to say that. The difficulty is that the First Class Magistrate who is not well posted in law and whose judicial temperament has not been sufficiently cultivated is often disposed to dismiss the appeals, because it is always easier to write a confirming judgment than a reversing judgment. Mr. Subba Aiyar put a question whether the munsiffs who are elevated as District Judges are not in the same position as First Class Magistrates. There is this distinction, that the munsiff from the time he enters the Judicial Department looks up to the seat of the District Judge and tries to qualify himself for that post and

[Mr. T. K. Velu Pillai.]

learns all the law that he could get and perseveres himself to become an officer of greater experience as District and Sessions Judge. The magistrate thinks that he will become the District Magistrate if he gives satisfaction to his immediate superior in the Revenue Department. That is the difference. But the question of selection sometimes becomes very interesting. I know of a magistrate who indulges in quoting Shakespeare in judgment after judgment. But that does not mean that the magistrates alone are under this predicament. I know of a munsiff who is high up in the cadre of munsiffs having taken a journey to *Manusmriti* in order to decide a case among Syrian Christians. I am prepared to give the name privately in the latter case. I myself appeared in the High Court in appeal and so I can talk with some authority.

MR. A. HOOGEWERF (*Nominated*): What harm is there in introducing a little poetry in judgments?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I am a lover of poetry and I am not prepared in the matter of love of poetry to yield to anybody; and if the officer's poetry was consistent with law, I would not object. The difficulty arises only when the munsiff or the magistrate, in moments of aberration, travels into the fields of poetry in defiance of the principles of law. It is because of that that I took objection to quoting Shakespeare in the judgments.

I shall refer to nomination. Now, one question is whether we could get good men. It does not matter whether the High Court or the Government nominate. On this question of nomination, I have considerable difference of opinion with the learned mover. Because the Government will be able to get reports from the various heads of departments, from the representatives of the people and from the members of this Council itself in the course of discussions, they will be able to pick out the very best men for particular places in the magisterial line. But the High Court may come across certain clerks in the High Court and a few vakils so that their field for choice is greatly limited. We shall be doing a very bad thing indeed if we restrict the scope for selection, if we tell the young men who enter service in the various departments that they have no chance of going up to the higher appointments. Sir, I have got sufficient respect for the High Court; but I must observe that, in the matter of selection, in the nature of our country where for all practical purposes—I am sure some of my friends also will agree with me—everybody knows who is the "godfather" of a particular munsift or judge, when, long before the recommendations are made, people speak of A's man or B's man or C's man, I am of opinion that the High Court which is invulnerable, whose policy is not so much criticised in this Council as the policy of the executive, will be able to take shelter in the fact that it

is a board composed of six members. On the other hand, the Government are more alive to public opinion in this country, so that if there are difficulties we shall be justified in pointing out those difficulties to the Government.

MR. A. HOOGEWERF (*Nominated*): Sir,—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I have not finished. And the Government will be able to hear both sides of the arguments and make the nomination. I am, therefore, opposed to the principle that the Government should appoint magistrates only from among persons who have been nominated by the High Court; and my friend the mover of the resolution will also see eye to eye with me that before we give the powers that are now contended for, the High Court must be made sufficiently independent of the executive. No High Court Judges should have a hankering after a higher office. They must themselves not desire for any executive preferment. Now that some of the gentlemen who preside over the High Court are prepared to wish for higher things, for advancement in the executive, you cannot expect that the High Court will be able to do complete justice in the matter of nomination. So before we consider that aspect of the question we have to constitute the High Court into a body which is above all temptation, and which will find it possible to shake off the blandishments and the blandishing arguments that are advanced. I remember one case—

PRESIDENT: It is time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Because my other friends have been putting questions to me and my time has been taken up by them. (*Laughter.*)

PRESIDENT: That is being done in every case.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not want to argue. I shall not take much time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I raise as a general question that allowance should be made to the speakers on account of the time taken up in answering questions?

PRESIDENT: I am sorry the rules do not permit it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is no rule about interruptions either. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In the case I was referring to, there was one who knew his business at the head of the administration, and felt that the matter was one which required rectification. The unfortunate man who only did justice—of course, I never meant any reflection because he is strong enough to bear that and even more—the integrity of the head of the administration put him back in his place. When Sir, the High Court Judges have been showing such a kind of temper in dismissing a judge for a supposed error in his judgment, I do not know—

[Mr. Joseph Panjikaran.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know from Mr. Velu Pillai, whether the High Court Judges have got the power of dismissing judges?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not say "dismissed".

PRESIDENT: You used the word "dismissing", but you probably meant only suspension. The High Court have no such power.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am not here for cross-examination. If my friend has any difficulty to find out a thing or to get any information, he is at perfect liberty to ask me.

When such is the case, when the judges wanted even that man should be dismissed because he took a view of law which is erroneous according to them, when the High Court is presided over by such people and when according to the laws of the land they are above the thunders of executive and beyond the reach of public criticism in this Council, I am not at all for giving them the power to nominate people to the magistrate's place. But if they are prepared to give Government the benefit of their views regarding the inefficiency or the efficiency of particular magistrates, they are at full liberty and they will avail themselves of every opportunity to do so by sending copies of their judgments to the Government so that the Government may act up to their judgments, if found proper. With these observations, I am very happy to appreciate and associate with the principle of this resolution.

MR. A. HOOGEWERF (*Nominated*): May I know whether this House is not entitled to criticise the executive function of the High Court?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): This House certainly has the power; but generally, in the matter of appointments by the High Court, when it is realised that six judges of the highest eminence in the land give a decision, it will be very difficult to prove that that decision is wrong. It is easier in the case of heads of departments.

MR. A. HOOGEWERF (*Nominated*): I see he is referring to one judge.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, I rise to support the motion that was moved by Mr. G. Paramesvaran Pillai. I have been closely listening to the speech made by my friend Mr. Subba Aiyar opposing the motion and I must acknowledge that I attach much weight to one of the arguments urged by him. That relates to the appointment of magistrates. I think he was right when he said that the power of appointing magistrates should not be taken away from the executive and given to the High Court. That will create much heartburning to the persons entertained in the Huzur Office. But on going

through the resolution I do not see anything in the resolution which says that the appointments should be made by the High Court. Let the appointments as now be made by the executive, but as soon as the appointments are made there is no harm in their being brought under the administrative control of the High Court. It is to the administrative control now exercised by the executive that I seriously object. Whether the magistrate is appointed by the High Court or by the executive is not a matter of very great importance, but it is the administrative check which the executive or the highest judiciary in the State will be able to exercise on these magistrates that is most important. So giving weight to that argument of my friend Mr. Subba Aiyar, I might concede that the power of appointing magistrates may be vested in the executive as it is now, but as soon as they are appointed they must be subject to the administrative control of the highest judiciary in the State.

The other points on which Mr. Subba Aiyar opposed the resolution did not appeal to me. First of all, he stated that the revisional power of the High Court is enough to set everything right. As my friend Mr. Velu Pillai has observed, we all know the High Court exercises its revisional powers only when there is a question of law. In cases when there has been a concurrent finding on facts by two courts, my friend has been saying that this revisional power vested in the High Court is sufficient to rectify any evil. I do not think that he is right.

Then again it was argued that, though there is the District Magistrate, generally it is the First Class Magistrate who hears appeals from the Second Class Magistrate. In this connection I would urge upon the attention of my friend Mr. Subba Aiyar the fact that appeals are filed before the District Magistrate and it is he who sends them on to the First Class Magistrate for disposal.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They are filed there and it is he who sends them over to the First Class Magistrate for disposal.

MR. JOSEPH PANJIKARAN (*Shertallai*): In the exercise of his power.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I understand that First Class Magistrates can receive appeals.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Under the Criminal Procedure Code, every District Magistrate can entertain appeals. First Class Magistrates are empowered to hear appeals.

PRESIDENT: Also to receive appeals.

MR. JOSEPH PANJIKARAN (*Shertallai*): Unless they are empowered by the Government, the District Magistrates cannot empower them.

PRESIDENT: They can also be empowered to receive appeals, I believe.

[Mr. S. Krishna Aiyar.]

MR. JOSEPH PANJIKARAN (*Shertallai*): Appeals are filed in the court of the District Magistrate and then transferred by him to the First Class Magistrate for hearing and disposal. If that be the fact my fear is that cases in which departmental heads are specially interested will not be sent to the First Class Magistrate but will be disposed of by the District Magistrates.

PRESIDENT: That is a matter of detail which can be rectified.

MR. JOSEPH PANJIKARAN (*Shertallai*): Of course, matters of detail also affect individuals very much. We are not concerned with broad questions of policy alone. My friend Mr. Subba Aiyar tells us that till now no allegation has been made against the propriety of having judicial officers who are under executive control. That was exactly what my friends Mr. Kunjitomman and Paramesvaran Pillai have been saying, that there is a general apprehension in the country that pure justice is not administered on account of judicial officers exercising magisterial powers being placed under the executive. That is the general cry all over the country. On these grounds I support the resolution that was so ably moved by my friend Mr. Paramesvaran Pillai.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Karthigapalli*): Sir, Mr. Subba Aiyar's arguments were delivered with so much force and skill of advocacy that many of us have been carried off our feet. The principle has been accepted. The only question for Mr. Subba Aiyar to discuss was the evolution of a feasible scheme. He classified the magistracy into four divisions—firstly Stationary Magistrates, secondly the taluk magistrates, thirdly the First Class Magistrates or Division Assistants and fourthly the District Magistrates, and he went on to consider how far separation would be necessary and how far their present judicial work was affected by their being placed under the executive. In respect of the First Class Magistrates or the Division Assistants, he has been good enough to concede on behalf of the Government that the Government are considering the feasibility of divesting these officers of their executive or revenue functions. That is a very great source of satisfaction to us. With respect to taluk magistrates too, it is a very easy matter. There are after all only five taluk magistrates. Arguments were put forward by the Law Member that these have so very little work that more work has to be given and therefore magisterial work is still retained in his hand. Now it is very easy—

PRESIDENT: I do not think he put it like that.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): If they did only revenue work their work would be light; so also their judicial work. It is the combination that makes it sit heavy upon them. Now supposing they are given jurisdiction over two taluks it will be sufficient for them. In the place of the magisterial work which they are exercising it may be delegated to another officer so that separation may be very easily effected. So, that need not stand in our way. It was also here argued by Mr. Subba Iyer, that it may involve an unduly additional cost

and this House has been on all occasions setting its face against all additional cost. Yesterday we had a lot of talk on retrenchment, but retrenchment on necessary lines. Out of the four functionaries, we have been discussing the taluk magistrate and the First Class Magistrate or Division Assistant. There remain only the Stationary Magistrates and the District Magistrates. As regards Stationary Magistrates we are prepared to concede that their work is purely and absolutely judicial and accept that they are under the control of the revenue heads of the department. There is not much to say in the matter. It may be that their appointments are recommended by the District Magistrates and the powers of transfer also vest directly in the executive heads of the department. After all what is asked for from this side of the House is only that all these posts may be brought direct under the High Court, and that the powers of the transfer and the recommendation for preferments or promotions may also vest with the High Court. That does not in any way affect their judicial functions. One other argument advanced is that there are numbers of clerks, graduates and graduates-in-law, already in service, that unless the executive retain in their hands the right of giving promotions, these graduates and graduates-in-law might suffer. I cannot regard that as an argument at all. (*Hear, hear.*) As was observed on very many occasions in this hall, the pay and prospects of the service should not be the predominant consideration. The service exists only for the State and not the State for the service. Therefore the pay or the promotions of individual clerks should not stand in the way of the principle. Lastly there is the question of District Magistrates. Here we are prepared to concede that so far as preventive powers are concerned they are not judicial. This side of the House will not have any objection to have the District Magistrate retaining such preventive powers. But there are other powers. One of them is the power of transfer of cases and such power of transfer is exercised because the District Magistrate is a sort of appellate authority though he does not possess the functions of an appellate court. Mr. Subba Aiyar here observed that applications for transfer are becoming rare and people are resorting to the High Court in greater numbers, that the District Magistrate has this power only nominally and that this power is not exercised to a very great extent. If so, what is the use of retaining this nominal power in the hands of these magistrates? It might be best in the interests of all concerned to divest the District Magistrate of this power entirely. There are certain sections under which appeals shall be heard only by the District Magistrate, *e. g.*, appeals about *thond:* articles. This power, being judicial, may be divested from the District Magistrate and may be given to the First Class Magistrate so that the District Magistrate may be left entirely and absolutely with the powers of preventive action and nothing else. If then these reforms are effected the principle that has been accepted by the Government will be carried out to the greatest possible extent. So after all, the matter may be easily solved. When the District Magistrate is left with the preventive power alone we are content, and as Mr. Subba Aiyar has accepted the principle we have only to

[Mr. K. Paramesvaran Pillai.]

see how far practical effect may be given to the principle. We are only here giving instances and working out practically the principle that has been accepted by Government, and in case some of these suggestions are accepted by the members on this side, we may not have any objection even to withdraw the resolution. We do not want to push the principle to its logical conclusion. We want to be practical politicians. With these observations, I commend the proposition to the House.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, in supporting the proposition that is now before the House, I wish to say a few words. As has been pointed out by Mr. Subba Aiyar, the Government have agreed to or accepted the principle underlying this resolution. He has also gone so far as to show that the Government have not only accepted the principle but it was accepted long ago, and effect has also been given to the principle to a very large extent by creating separate Stationary Magistrates, the appellate authority over these magistrates being vested in the Division Assistants. So far as these Stationary magistrates are concerned he says that they are purely judicial officers and they are not specially under the control of the executive except that the appeals against their judgments are heard by the Divisional Assistants and that even if they commit any mistake those mistakes are subject to be corrected by the High Court in the exercise of their revisional authority. Now in regard to the Stationary Magistrates the fact remains in the first place that they are subject to the control of the District Magistrate who is an executive authority and who is responsible for the preservation of the peace of the District. The magistrates as a class are subordinate to the District Magistrate departmentally, though he does not hear any appeals against their decisions. His authority over these magistrates is not only confined to the transferring of cases from one magistrate to another but he is also the executive head of the magistracy. Now nothing has been said by Mr. Subba Aiyar as to how the effect of that control will be minimised. In regard to the revisional authority of the High Court, it appears to me that it is ineffective in removing the real grievance underlying the situation, because the High Court can exercise its revisional authority only when the magistrate has committed any irregularity in procedure or in law. Of course, if the magistrate commits any mistake due to ignorance or inadvertence or other causes it will be open to the High Court to correct that by the exercise of their revisional power. But what we were complaining of is not that. Our complaint is that the magistrate being under the control of the executive is sometimes forced, in order to support the authority of the executive, to act against his conviction. In such cases the revisional authority of the High Court is powerless. And therefore, so far as this question of separation of the judicial from the executive is concerned the revisional authority vested in the High Court can have no effect in removing the danger that exists. As regards the appellate authority of the Divisional Assistant, I may submit that the Division Assistant,

besides being himself an executive officer, is also subordinate to the District Magistrate. Thus the magistracy as a whole subordinate to the executive and the fact that appeals are heard by the Division Assistant does not remove the difficulty arising from the situation. So far as the District Magistrates are concerned, of course, it has been pointed out and very correctly that they are both executive and judicial officers, and the exercise of these two functions must necessarily conflict.

The administration of criminal justice forming one of the most important departments of the judicial service, it is necessary that it should be placed under the direct control of the highest judicial authority, *viz.*, the High Court. It may be pointed out that there is a fundamental difference between the criminal law and the civil law. So far as the latter is concerned, it is a matter between private parties and nobody else is interested in the decision of the case. But it is not so in the case of criminal law. It is a matter between the Government and the subject and therefore we must take it that the Sirkar has got an interest in it, especially as they are directly responsible for the preservation of the peace of the land. Therefore the judiciary---,civil or criminal—must be under the same authority. That is the justification for insisting upon a separation of the judiciary from the executive. Of course, the only difficulty pointed out is perhaps the cost. No doubt, it may involve some little more cost to the Government than what the administration of criminal justice at present costs. But it appears to me that it may be possible to prepare a scheme for the separation which does not involve any additional expenditure. I may make a suggestion, *viz.*, that the revenue administration of the country be placed under the direct control of the Revenue Commissioner. It appears to me that, after the creation of the Revenue Commissionership, there is absolutely no need for the preservation of the highly-paid Peishkarship. The Division Assistants may be divested of their magisterial functions and made purely revenue officers as Assistant Commissioners of Revenue. The Peishkars may be relieved of their revenue work and made purely judicial officers with power to try first class cases and to hear appeals from subordinate magistrates. These District Magistrates and the subordinate magistrates must be placed directly under the control and supervision of the High Court.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether he could tell the House if in any country magistrates are appointed by the highest judicial officers of that country?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have no information with respect to that; I must confess.

Of course, we must decide these matters by the circumstances and conditions existing in each country; and so far as I know, in Travancore there is no difficulty in placing the subordinate magistracy and the first class magistrates under the direct supervision of the High Court and even vesting in the High Court the power of recommending the appointment of these magistrates to the Government as they do in the case of munsiffs and subordinate judges. Mr. Subba Aiyar pointed out one difficulty about

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the promotion of these magistrates. He asks whether when once a man is appointed as a magistrate he is to have no chances of promotion. But that can be easily solved by not having two different grades as magistrates and munsiffs and by providing for an interchange. Mr. Subba Aiyar says it would involve increase of salary. I do not know why. If there is a proper grading, a magistrate may be sent out as a munsiff, and once a munsiff he will get his usual promotion. He must start as a magistrate. The District Magistrate may very well be appointed as Sessions Judge or additional Sessions Judge and therefore his career in the judicial service will not be blocked either. Such a change need not involve any additional expenditure of money or any injury to the officers concerned by blocking their chances of promotion. It appears to me therefore that it is not impossible if proper attention is paid to the matter to evolve a scheme which would effect a proper separation between the judicial and the executive without involving additional cost or any serious injury to the prospects of officers.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask whether, when High Court Judges might themselves under the present circumstances aspire to become the Head of the Administration, the House would leave the power of appointing the magistrates to the High Court.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It appears to me that there is not a system which is perfect in any country and the imperfections are such as we must put up with. Nevertheless, it appears to me, even taking into consideration that imperfection, that it will be a very great advantage to place the whole system under the High Court.

PRESIDENT: We will now rise and meet again at 3-15.

The Council adjourned for lunch at 2-30 P. M. and re-assembed at 3-22 P. M.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I also rise to support the resolution before the House. With respect to the principle underlying the resolution it was quite gratifying to see my learned friend Mr. Subba Aiyar agreeing. He raised only certain difficulties by way of giving practical effect to the whole resolution; in other words, though he concedes the principle, he is not prepared to agree wholeheartedly with the resolution. The practical difficulties suggested, I would examine first.

The first of the practical difficulties had relation to financial considerations. I was surprised to hear the member in charge of the resolution for the Government raising that objection. For, yesterday till about 6 o'clock in this House the non-official side was pressing for a whole examination of the finances of the State and they pressed further that there were courses open along which retrenchment might be suggested. When the Government side is not prepared to allow an examination of

the finances or to listen to possible suggestions as to how the finances may be utilised, I always thought that the Government were practically estopped from bringing forward a difficulty on grounds of financial position. But Mr. Subba Aiyar is not to be bound by the utterances of yesterday, and he has rubbed in the question of finance to thwart the resolution now before the House. That I think he is not entitled to urge so long as the Government for whom he now advocates that particular position is not prepared to allow an examination of the finances of the State.

Another objection raised by Subba Aiyar is quite pithily expressed by him in querying whether once a magistrate is appointed he should be always a magistrate, with the extended corollary whether once a clerk is appointed he is always to be a clerk. This statement of Mr. Subba Aiyar is an analogue of another doctrine that we lawyers generally come across to the effect: "once a mortgage always a mortgage". With respect to the doctrine, it was observed lately by one of the English Judges that the doctrine of the clog of the equity of redemption is something like an unruly dog which, if it is not chained to the kennel, is likely to wander into places where it is least required. Now I would submit on the analogy of the observation of the learned Judge that these doctrines advanced by Mr. Subba Aiyar are always dangerous unless modified by the circumstances in each case.

Mr. Subba Aiyar also wanted to appeal to the sympathies of this House when he referred to the position and the drooping-out look of the various clerks employed under the Government in the different departments. He said, therefore, that in the matter of appointments the Government having a wide field for the appointments and promotion of all these clerks, it is better that the patronage question is reserved in the hands of the Government so that the magistrates' posts, etc., may be filled up by the gradual promotion of these clerks. Now, this question of patronage is one of those questions which, I always thought, was the subject which vexed various communities in the land. I thought the Government were above such consideration. But Mr. Subba Aiyar now tells us that the Government are equally anxious about the question of patronage in the matter of their own clerks. Now, that ought not to be the outlook in the matter of the appointment of magistrates, implying as it does the avowed object of giving promotions to clerks as magistrates. If Government think—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I never said that clerks are promoted as magistrates.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Not directly, probably; but by a system of gradual promotion, so that a clerk may go into the position of a magistrate. Mr. Subba Aiyar thinks that Government should retain this particular power of patronage with them. I have always thought, Sir, that, so far as the appointment of a magistrate is concerned, it is the fitness of the person to be appointed more than any other consideration that should weigh with the Government. But another principle unfortunately seems to run subterraneously to the avowed object of Government in this matter.

[Mr. P. K. Narayana Pillai.]

As to the question raised as to which is the proper body to exercise this patronage some friends take the view that it ought to be the Government and others that it ought to be the High Court. When it comes to the question of patronage, I fear, there may not be very much to choose between the High Court and the Government. Therefore I am not very particular on that ground at all.

What I am concerned with is not the influence at the point of the appointment, but the influence which will be exercised upon the magistracy subsequent to the appointment. It is the wholesome fear of meeting with due punishments if misconduct is indulged in, that would keep the magistracy in the proper line. Now, in that respect, it is very difficult to expect the Government to be always supervising the judicial work of the magistracy. The body that is directly concerned with that work ultimately is the High Court. So, what I am pressing upon the attention of the House in that respect is that, with respect to the punishments to be meted out to magistrates in the matter of their judicial work, invariably the punishments ought to proceed from the High Court, in spite of the fact that the appointment may rest with the Government in the magisterial line. It is that which should act as a secure check upon the proceedings of magistrates with respect to their judicial functions.

Before the separation, and after the separation, to the extent to which it has been effected in the State now, there seems to be a considerable change in the method of work before the magistarates. Before the separation to the extent to which it has been effected now, I have appeared before magistrates, and also subsequent to that. I declare that, before the separation had been effected, I had to wait before magistrates till half past five, before a case could be called. One magistrate did not make any secret of his profession in that respect. He distinctly told me that he would first of all attend to communications from the Palace and then to those from the Huzur Office. Then he had got the bugbear of the Account Officer always watching him. After these things, after lunch, he would at about five o'clock call the parties in the criminal case, and being somewhat diligent, he used to sit up till ten o'clock at least. (*Laughter.*) That was the sort of attention paid by the magistrates before the separation. The other day, I appeared also after the separation before another magistrate, when I found to my gratification that there was a considerable change in the tone of the magistrate's proceedings. First of all I observed that the magistrate, a young man who was presiding, was quite ready to meet the arguments brought up round the points of law. The man was quite up to the mark and I was glad that there was a change in the tone of the work. To that extent, therefore, we are certainly thankful to the Government that they have done so much. But what remains to be done is that which had been represented by Mr. Subba Aiyar as only a very small residue confined to six or seven first class magistrates, and three or four District Magistrates, (that is the small

residue according to Mr. Subba Aiyar); but the pernicious influence of the small residue is likely to permeate the whole system, with the recurring cries of the people for a separation—an entire separation of the judicial from the executive. The reaction of the power of the executive on the judicial functions is marked not so much directly as indirectly. Mr. Subba Aiyar, just like the lawyer, referred to the evidence upon the matter to satisfy the House. "Is there not ultimately the revisional power in the High Court? Is there not the power for you to move the High Court and put up a petition? Where is your hardship?" That, of course, is a very correct argument so far as it goes. But it ignores the underground sort of work that we are so much afraid of. The District Magistrate is the party that controls the magistracy within his jurisdiction, and occasionally the Government also may be seen, even against the avowed policy of the Government, to come in to criticise the magistrates.

For example, with respect to the question that the magistrates make frequent references to the police for enquiry, in one Administration Report the Government found that the magistrate was not right in doing that. For the purposes of enquiry and report the magistrate has judicial authority. Since the magistrates happen to be so much under the hands of the Government, they ultimately ignore the fact that the Government are not their superiors under the Criminal Procedure Code, and that this sort of interference is objectionable. With respect to the District Magistrates also, the suspicion is entertained that they somehow or other share the policy of magisterial subservience to a considerable extent. It is not visible; hence the trouble. So much so, to give the final quietus to complaints on this head, Government will do well to have absolutely nothing in the way of combining judicial and executive powers. That is the point I wish to empahsise in this connection.

Then it was remarked that only four or five Tahsildar-Magistrates have been left here and there and that is nothing serious. My friend referred to Minachil by way of illustration. Evidently he does not understand the position there. We who hail from Kottayam are in a better position to speak with respect to that, as we have been able to judge from the reverberations in the Kottayam Sessions Court as to the volume of criminal activity in the Minachil taluk. So that is not a very correct statement. The ground upon which Mr. Subba Aiyar seeks to oppose the proposition is the financial consideration, and once a magistrate, not always a magistrate; once a clerk, not always a clerk. The so-called practical difficulties and the nebulous suggestion of other difficulties will not stand the test of scrutiny before the House, and I have very great pleasure in supporting the resolution for the acceptance of this House.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): എക്സിക്യൂട്ടീവും, ജുഡിഷ്യറിയും വേർതിരിക്കണമെന്നുള്ള മിസ്റ്റർ ജി. പരമേശ്വരൻപിള്ളയുടെ പ്രമേയത്തെ ഞാൻ ബലമായി അനുകൂലിക്കുന്നു.

[Mr. T. Kumara Pillai.]

ഈ പ്രമേയത്തിലുള്ള തത്വത്തെ മിസ്റ്ററർ സുബ്ബയ്യർ അനുകൂലിച്ചു പറഞ്ഞതിൽ ഞാൻ സന്തോഷിക്കുന്നു. ഇങ്ങനെ പറഞ്ഞതുകൊണ്ടുമാത്രം മതിയാകുന്നതല്ല. എക്സിക്യൂട്ടീവും, ജുഡിഷ്യറിയും വേർതിരിക്കണമെന്നു പറയുന്നതിനു പ്രേരിപ്പിച്ചിട്ടുള്ളതായ അസൌകര്യങ്ങളെ പ്രവൃത്തിയാൽ നീക്കി കൊടുത്തെങ്കിൽ മാത്രമെ പ്രയോജനകരമായി തീരുകയുള്ളു.

മജിസ്ത്രേട്ടന്മാരെ നിയമിക്കുന്ന അധികാരം ഗവർൺമെൻറിലോ ഹൈക്കോടതിയിലോ എവിടെയാണ് സ്ഥിതിചെയ്യേണ്ടതെന്നുള്ള ബലമായ വാദപ്രതിവാദം നടന്നിരിക്കുന്നു. ഈ അധികാരം ആരിൽ സ്ഥിതിചെയ്യുന്നതിനെപ്പററിയും ജനങ്ങൾക്ക് അന്വേഷിക്കേണ്ട ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. അവക്കു ക്രിമിനൽ കേസ്സുകളിൽ കളങ്കരഹിതമായ ന്യായം കിട്ടണമെന്നു മാത്രമെയുള്ളു. ഉൽകൃഷ്ടപരീക്ഷാവിജയികളായ ചെറുപ്പക്കാരുടെ രക്ഷയെ പറ്റ്യാലോചിക്കുന്നതായാൽ മജിസ്ത്രേട്ടന്മാരുടെ നിയമനാധികാരം ഗവർൺമെൻറിൽ സ്ഥിതിചെയ്യുന്നത് ഉചിതമായിരിക്കുന്നതാണ്. ഹജൂർ ആഫീസിൽ നിന്നും എക്സിക്യൂട്ടീവിലേക്കും, എക്സിക്യൂട്ടീവിൽനിന്നും ജുഡിഷ്യലിലേക്കും, അതുപോലെ തിരിയെ ഹജൂരിലേക്കും നിയമിക്കുന്നതിനു സൌകര്യം കിട്ടുന്നതാണ്. ഇങ്ങനെ വരുമ്പോൾ സർവ്വഥാ യോഗ്യന്മാരെ അതാതു വകുപ്പുകളിലേക്കു തിരഞ്ഞെടുത്തു നിയമിക്കാൻ സാധിക്കുന്നതാണ്. എക്സിക്യൂട്ടീവും, ജുഡിഷ്യറിയും വേർതിരിച്ചുകിട്ടുന്നതായ കാലത്തു, നെൽക്കരം നിറുത്തി പണക്കരമാക്കിയപ്പോൾ ജനങ്ങൾക്കുണ്ടായിട്ടുള്ള ആശ്വാസവും സന്തോഷവും ഉണ്ടാകുമെന്നുപറയുന്നതിൽ എനിക്കു സംശയം തോന്നുന്നില്ല. മജിസ്ത്രേട്ടന്മാരുടെ ജോലിസംബന്ധമായുള്ള അധികാരം ഹൈക്കോടതിയുടെ കീഴ്വരുതിയിൽപോകുന്നതായാൽ ജനങ്ങൾക്കു പൂർണ്ണമായ രക്ഷ കിട്ടുമെന്നാണ് അവർ വിശ്വസിച്ചുപോരുന്നത്. ഫാറസ്ററ് കേസ്സുകൾ, എക്സൈസ് കേസ്സുകൾ, ഉദ്യോഗസ്ഥന്മാരുടെ പേരിലുള്ള ക്രിമിനൽകേസ്സുകൾ, ഇവ മജിസ്ത്രേട്ടന്മാരുടെ കൈയിൽ കിട്ടാതിരിക്കണമെന്നു ജനങ്ങൾക്കു പ്രത്യേകം താൽപര്യമുള്ളതായി കാണുന്നു. വിശേഷിച്ചും ഉദ്യോഗസ്ഥന്മാരുടെ പേരിലുള്ള ക്രിമിനൽകേസ്സുകൾ മജിസ്ത്രേട്ടന്മാർ കഴിയും വേഗത്തിൽ സെഷൻസുകോർട്ടിൽ കമ്മിററു ചെയ്യുന്നതിനു കക്ഷികൾ ആഗ്രഹിക്കയും പ്രാർത്ഥിക്കയും ചെയ്തുവരുന്ന വിവരം എനിക്കു അറിയാവുന്നതാണ്. ശിക്ഷാനിയമത്തെ കൈകാര്യം ചെയ്യുന്ന അധികൃതന്മാരെപ്പററി ജനങ്ങൾക്ക് അങ്ങിനെയൊരു ദുരഭിപ്രായം തോന്നിക്കാൻ പാടില്ലാത്തതാണ്.

ഇതേ സംഗതിയെപ്പററി ൧൦൮൨-ാമത്തെ ശ്രീമൂലം പ്രജാസഭയിൽ കുന്നത്തുനാട്ടു മെംബർ മിസ്ററർ വി. ആർ. ഗോപാലപിള്ള ഇങ്ങനെ പറഞ്ഞിരിക്കുന്നു :—

"The subordinate magistrates showed special favour towards the prosecution side in departmental cases, *i. e.*, Forest, Police and Excise. Adjournments were frequently made owing to the absence of the prosecuting officers and parties and witnesses suffered in consequnce."

അതിലേക്കു ദിവാൻജി അവർകൾ പറഞ്ഞിട്ടുള്ള മറുപടി ഇങ്ങനെയാണു് :—

"You then refer to the special favour shown by magistrates to the prosecutions in departmental cases. You have not quoted any specific instances and I am afraid that the charge is unfounded. I have not come across any instance in which the head of a department has reported against a magistrate or blamed him for deciding cases in a particular way."

ഗവർൺമെൻറിൻെറ ഈ വാക്കുകൾ ജനങ്ങൾക്കു വലുതായ സമാധാനത്തെ തരുന്നതാണു്. എന്നാൽ കഴിഞ്ഞയാണ്ടു ഈ കൌൺസിലിൽ "Prohibition of the manufacture and importation of liquor" എന്നുള്ള പ്രമേയത്തെപ്പററി വാദപ്രതിവാദം നടക്കുന്ന കാലത്തു എക്സൈസ് കേസ്സുകളിൽ മജിസ്ട്രേട്ടന്മാരുടെ കുറഞ്ഞ ശിക്ഷകളെപ്പററി എക്സൈസ് കമിഷണർ ഇങ്ങനെ പറഞ്ഞിരിക്കുന്നു :—

"I have complained year after year of the very low punishments awarded by magistrates in abkari cases. Such punishments, far from being deterrent, have only the effect of encouraging the offender to go back and repeat his offence and of rendering the excise officers' work difficult and disheartening."

സക്കാർകേസുകളെന്നോ, ജനങ്ങളുടെ കേസുകളെന്നോ, ഉള്ള വ്യത്യാസങ്ങളെ മജിസ്ട്രേട്ടന്മാർ ഗണിക്കാതെ അവർ ന്യായം നടത്തേണ്ടതാണെന്നു ഗവർൺമെൻറു വിചാരിക്കുന്നതായും, ഡിപ്പാർട്ടുമെൻറ് അധികൃതന്മാർ ആ സമഭാവനയിൽ തൃപ്തിപ്പെടുന്നില്ലെന്നും തെളിയുന്നു. എന്നുതന്നെയല്ല, ഗവർൺമെൻറിനെ പ്രേരിപ്പിച്ചു മജിസ്ട്രേട്ടന്മാരെക്കൊണ്ടു കൂടുതൽ ശിക്ഷ കൊടുപ്പിക്കുന്നതിനു ശ്രമിക്കുന്നതായ അധികൃതന്മാർ ഡിപ്പാർട്ടുമെൻറു കേസ്സുകളിലെ കക്ഷികൾക്കു ന്യായം കിട്ടുന്നതിൽ എന്തെല്ലാം പ്രതിബന്ധങ്ങളെ ഉണ്ടാക്കിത്തീക്കുമെന്നുള്ളതു് എല്ലാവക്കും അനുമാനിക്കാവുന്നതാണു്. എക്സൈസുകേസ്സുകളെ മജിസ്ട്രേട്ടന്മാർ വളരെ സൂക്ഷിച്ചും ആലോചിച്ചും തീർമാനിക്കേണ്ടതാണു്. അതിനെ ഒരു ദൃഷ്ടാന്തംകൊണ്ടു തെളിയിക്കാം. അക്കാനിയിൽ കുറെ സോഡാപ്പൊടി ഇട്ടാൽ അതു കള്ളായിത്തീരുന്നു. ഈ സമ്പ്രദായം തെക്കൻതിരുവിതാംകൂറിലുള്ള എക്സൈസ് ഉദ്യോഗസ്ഥന്മാക്കും അവരുടെ കീഴ്സിൽബന്തികൾക്കും അറിയാവുന്നതുപോലെ അവിടെയുള്ള ജനങ്ങൾക്കും അറിയാവുന്നതാണു്. പന കയറി അക്കാനി എടുക്കുന്ന ഒരു നാടാനോടു വിരോ

[Mr. G. Paramesvaran Pillai.]

ധമുള്ളവൎക്ക് ആ സാധുവിനെ ശിക്ഷിപ്പിക്കാൻ ഒരു പ്രയാസവും ഇല്ലാത്തതാണ്. വൈകുന്നേരം ഇവൻ പന കയറിപ്പോയതിൽ പിന്നീട് അക്കാനി എടുക്കുന്ന പാത്രത്തിൽ കുറെ സോഡാപ്പൊടി ഇട്ടിരുന്നാൽ പിറേറദിവസത്തേക്ക് അതു കള്ളായിത്തീരുകയും, കളവായി കള്ളുണ്ടാക്കി എന്നുള്ള എക്സൈസ്‌കേസ്സ് അവന്റെ പേരിൽ എടുക്കയും ചെയ്യാവുന്നതാണ്. എക്സൈസ്‌ഡിപ്പാൎട്ടുമെന്റിലെ കീഴ്ജീവനക്കാൎക്ക് ഈ വഴിയിൽ സാധുക്കളെ ഉപദ്രവിക്കുന്നതിനും അവരോടു കൈക്കൂലി വാങ്ങുന്നതിനും വളരെ സൌകൎയ്യമായി തീൎന്നിരിക്കുന്നു. ഇത്തരം കേസ്സുകളിൽ കൈക്കൂലി കൊടുക്കാൻ ഗതിയില്ലാത്ത കക്ഷിയാണെങ്കിൽ അവർ ആ കേസ്സിനെ ചാൎജ്ജ്ചെയ്യുന്നു. ഇങ്ങനെ ചാൎജ്ജ്ചെയ്യുന്ന കേസുകളെ മജിസ്ട്രേട്ടന്മാർ കഠിനമായി ശിക്ഷിക്കണമെന്നും, അവർ ശിക്ഷിക്കുമെന്നും വരുന്നതായാൽ ജനങ്ങളുടെ രക്ഷ എങ്ങനെ നിലനിൽക്കുമെന്നുള്ളതു പറയേണ്ട ആവശ്യമില്ലാത്തതാണ്. സൎക്കാർകേസുകളാണെങ്കിലും അല്ലെങ്കിലും മജിസ്ട്രേട്ടന്മാർ ന്യായം നടത്തേണ്ടതാണെന്നു ദിവാൻജി അവർകൾ പ്രജാസഭയിൽവച്ചു പരസ്യമായി പറഞ്ഞിരിക്കയും അതിനാൽ ജനങ്ങൾ സമാധാനത്തോടിരിക്കയും ചെയ്യുമ്പോൾ എക്സൈസുകേസുകളിലുള്ള കക്ഷികളെ മജിസ്ട്രേട്ടന്മാർ ശരിയായി ശിക്ഷിക്കുന്നില്ലെന്നു മിസ്റ്റർ വാൻറാസ് ഒരിക്കലും ഈ കൌൺസിലിൽ വച്ചു പറയാൻപാടില്ലാത്തതാണ്. എക്സൈസ് കമിഷണർ പരസ്യമായി പറഞ്ഞിട്ടുള്ള ഈ അഭിപ്രായം ഗവൎണ്മെന്റിനെ വിഷമത്തിലാക്കുന്നു. ജനങ്ങൾക്കു ഗവൎണ്മെന്റിനോട് ഉണ്ടായിരിക്കേണ്ട വിശ്വാസത്തിനു കുറവുണ്ടാകുന്നു. ഇങ്ങനെയൊരു പ്രവൃത്തി ഒരു ഡിപ്പാൎട്ടുമെന്റിലെ അദ്ധ്യക്ഷൻ ഒരിക്കലും ചെയ്യാൻ പാടില്ലാത്തതാണ്. ഇങ്ങനെയുള്ള പല കാരണങ്ങളാലും ജനങ്ങളുടെ ന്യായമായ രക്ഷയ്ക്കു വേണ്ടി എക്സിക്യൂട്ടീവും ജുഡിഷ്യറിയും വേർതിരിക്കണമെന്നു തന്നെയാണ് എനിക്ക് അഭിപ്രായമുള്ളത്.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I am extremely—

MR. A. J. VAN ROSS (*Excise Commissioner*): Sir, I wish to put a question to Mr. Kumara Pillai.

PRESIDENT: Mr. Kumara Pillai has sat down. You cannot ask him questions now.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I am extremely gratified to note that my friends on this side of the House are in substantial agreement with the resolution that has been moved by me. On the other side it was stated by Mr. Subba

Aiyar that Government accepted the principle contained in the resolution. If, as a matter of fact, Government had accepted the principle contained in the resolution, I should have expected quite a different speech from Mr. Subba Aiyar in regard to the most fundamental points raised in the resolution. To me, Sir, no system of separation can be conceived of where the control over the magistracy rests, and is intended to rest in the executive and not in the highest judiciary. So, then, to say that the principle of separation has been accepted is misleading. I would just briefly meet some of the material arguments advanced by Mr. Subba Aiyar.

In regard to the taluk magistrates it has been said that it was only a question of finance. If they could afford to do it, Government would at once separate the judicial functions from the five taluk magistrates who are now exercising revenue functions also. In view of the statement that the revenue work of those taluk magistrates is not very heavy, it is a matter for consideration whether the Assistant Tahsildars in those taluks cannot be dispensed with and the money utilised for the purpose of separation. For, the Assistant Tahsildar will then become no more necessary, as the revenue work of the Tahsildar is not after all very heavy, and so, that part of the scheme may at once be given effect to. In regard to the subordinate magistracy, my friend proceeded as if there had been complete separation. I made the point quite clear. You cannot think of any separation so long as the executive alone controls those magistrates. The control provided for in the Criminal Procedure Code by way of appeal and revision is not the sort of control I am thinking of. It is erroneous to conceive that the separation is complete even in regard to the subordinate magistracy.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know from Mr. G. Paramesvaran Pillai, if it is not the powers of revision and appeal, what is the sort of control that he is thinking of?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): They should exercise the same control that the High Court exercises over the civil branch of the judiciary. I noticed that those friends on this side who supported referred to the administrative control over the magistracy. I think that should not rest with the Government. Among us there was only a difference of opinion in regard to initial appointments. That, I regard, is a minor point and a matter of detail which may well be left out of consideration for the moment. My point is that there cannot be real separation unless the executive is divested of all administrative control over the magistrates.

PRESIDENT: Mr. Krishna Aiyangar wants to know, I think, what that administrative control is.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): By administrative control, I mean that the Government should have power to transfer, punish or promote the magistrates only on the recommendations made by the highest judiciary in the land. In other words, the

[President.]

same control that the High Court now exercises over the civil staff under it should extend over the criminal branch as well.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Paramesvaran Pillai whether he has come across cases in which magistrates have been fined with reference to their magisterial duties?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): By whom?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I will explain. Now the Government alone can fine; I want to know if there are cases in which magistrates were fined by any other body.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I have not collected the figures.

PRESIDENT: He wants to know if there is any case.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am not aware.

My point is that the same control that the High Court exercises over the civil branch of justice should be extended in respect of the criminal branch as well, so that there might be uniformity and also purity of administration in the entire judiciary.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask one further question. What is his view about the appointment and transfer of the clerks and menial servants of the magistrates—whether the control over them should be with the Government or the High Court?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think they should have the same power as the High Court has over the District Courts in respect of the civil line. These are purely matters of detail which may well be settled hereafter by the Government in consultation with the non-official members or by themselves.

In regard to the District Magistrates and the Division Assistants, it was pointed out by my friend that the powers they now exercise under chapters VIII to XII must be regarded as executive more than judicial. I beg to differ from my friend in that respect, because he might himself be aware of the fact that in respect of the action taken by the District Magistrate or the Division Assistant under chapters VIII and X they are treated as judicial acts and are subject to the revisional powers of the High Court. Merely because the District Magistrates, who are also responsible for the maintenance of law and order, are empowered to take action under the preventive sections of the Criminal Procedure Code, it should not be argued that their acts are purely of an executive character.

PRESIDENT: I do not think that is what Mr. Subba Aiyar suggested. What he told us was that they were judicial functions that ought to be exercised by a magistrate.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Originally what he said was that the orders issued under chapters VIII to XII were more of an executive character than judicial. My friend Mr. Krishna Aiyar suggested that there was some difficulty in regard to the Sessions Judges being asked to hear appeals from the magistrates. As a matter of fact, that again is a matter of detail as to who should be empowered to hear the appeals. I said "a Sessions Judge or a *purely* judicial officer empowered in that behalf." I am satisfied with the assurance given by Mr. Subba Aiyar in that respect. He said that Government were exploring the possibility of divesting the Division Assistants of the State of their revenue and executive functions and deputing them purely for judicial work. If that be done, certainly that objection would not prevail. So I say that appeals should be heard by some officers who will have nothing to do with the revenue or executive functions. Neither the appellate nor the revisional powers nor the administrative control should be exercised by anybody other than the highest judicial authority in the land. That is the pivot of my argument. Then, my friend Mr. Subba Aiyar complained that I did not refer to any particular instances where the District Magistrates or the Division Assistants were found to have caused miscarriage of justice. I did not refer to particular instances, deliberately because after all we cannot place much reliance on public impression only. I have only to refer to one or two statements made in the Administration Reports to show, as has been remarked by one of the speakers, that the magistrates were not doing the proper thing when they referred cases to the police for preliminary investigation. Secondly, I have found it stated in two successive Administration Reports that the magistrates will do well to remember that they are not properly discharging their duties in regard to the award of compensation in cases where Government servants are accused. They have been repeating this in two reports that magistrates will do well hereafter to take due note of it. And my friend Mr. Kumara Pillai referred to the excise cases. I might also refer to one or two anomalies. Under the Revenue Recovery Regulation action is being taken on the recommendation of the Division Assistants and on the sanction of the Dewan Peishkars under the sections of the Regulation. I am referring to the cases under section 54 of the Regulation relating to distraint of movables and attachment of immovable properties. So, practically he is also a judge as well as a prosecutor, because it is under his order that the action is taken under the Revenue Recovery Regulation in which case he is both the deciding factor as well as a prosecutor.

PRESIDENT: Can you mention that section?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Under section 54 of the Revenue Recovery Regulation, they have got the power to try and convict cases in which steps have been taken in pursuance of the sanction given by them as Division Peishkars.

I submit, therefore, when my friend stated that he accepted the principle, I thought that the desirability of the question of separation was

[Mr. G. Paramesvaran Pillai.]

out of the disputed field. But my friend, after accepting the principle, has again stated that it was also necessary to consider whether any such separation would be desirable. No one has made an attempt towards the working out of a scheme in regard to that matter. If Mr. Subba Aiyar had attempted any such scheme and had told us that the cost would be prohibitive, I could have understood it. So far as I am concerned, I have already placed before the Council a scheme. I do not think that it is perfect and that it is not capable of modification. On the other hand, I do not deny that it may require modification in details. With the least possible additional cost, I should consider——

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I wish to know whether it is not necessary for the House to know the extra expenditure that will have to be entailed, before voting on the motion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is exactly why I said it would not require any additional cost whatever. If Government only take care to set free at least half the number of Division Assistants—certainly 12 are not necessary with their high salary for the discharge of revenue functions—much money could be saved. So I depend upon the Government to set free those officers for judicial functions so as not to encumber us with additional expenditure. So far as the sub-magistrates are concerned, we do not at all incur any additional expenditure. Already they are full-time judicial officers. We have to transfer only the control over them to the High Court along with the separation. There we cannot say that we are standing on an entirely different footing from the people elsewhere. In British India——

PRESIDENT: There are very many Stationary Sub-Magistrates in British India.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Nevertheless, the extra expenditure entailed will not be much larger. We do not want many more sub-magistrates to exercise first class powers if these Division Assistants are set free. If the Deputy President wishes to know what the additional cost would come to, my answer is that we do not stand to incur anything by way of additional expenditure. Some funds may be required for the appointment of some more copyists and clerks.

My friend Mr. Subba Aiyar has not told us anything in regard to the administrative control. I referred to the Bengal Committee's Report which unanimously stated that the administrative control should be transferred to the High Court and I refer to Mr. Subba Aiyar because he might probably be in the know of things because he said that he had the Madras Committee's Report which is now said to be confidential. Does not the Madras Committee too recommend that the administrative control over the magistracy, just as in the case of the civil courts of the Madras Presidency, should vest in the High Court? I suppose that persons who advocate the separation of the judicial from the

executive functions cannot but advocate that. That is the essence of the whole discussion. So it is not fair to argue that the principle has been accepted, though my friend will not accept this principle even.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I will briefly sum up the points of discussion. From that it will be conceived that there is not much difference between the non-official and the official sides and there is not much to be voted upon also.

In the first place, coming to the subordinate magistracy it is now conceded and certified to by Mr. P. K. Narayana Pillai himself that the magistracy is very efficient. Apart from the question of the administrative control which my friend referred to and about which Mr. Krishna Aiyangar wanted a little more information, he said that the High Court should have complete control. The point that I wish to emphasise is this: whatever Mr. G. Paramesvaran Pillai would advocate about the control of the magistracy by the High Court does exist now and is being exercised now.

Every Judge of the High Court inspects the Magistrates' Courts in spite of the heavy work in the High Court. They do inspect the magistrates' courts, they control the work of the magistrates' courts, they review their work, and whenever a magistrate's work is not satisfactory, they recommend to the Government that he ought to be degraded or punished, and such recommendations are invariably given effect to by Government. Ordinarily the High Court is consulted before dealing with any magistrate and I do not know what further control is necessary.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know from the Law Member whether the promotion or transfer of a magistrate is made by Government in consultation with the High-Court.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as the transfer is concerned, it is a matter entirely, as I said, with Government, as in the case of all ordinary executive subordinates, and there is nothing serious with regard to that. With reference to the question of promotion, as a matter of fact, it goes according to seniority, unless when an officer's work is condemned by the High Court, in which case it is taken note of by the Government. I think that, by itself, will show that they are under the control of the High Court.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know what my friend's reasons are for not extending the same control to the High Court in respect of the criminal judiciary as in the case of the civil judiciary.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It was pointed out that it is a matter of patronage. It is not so; for heads of departments will only be glad to be out of the worries thereof. It is not that which has to be taken into consideration.

[Mr. Joseph Panjikaran.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether magistrates are not directly recruited from the Account Office and the Secretariat—clerks having no local knowledge and experience?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As far as possible it is not done. If they are sent out as magistrates they are promoted as Tahsildars and then promoted as superior magistrates. They thus have an opportunity to move with the people, to rub shoulders with them and thus know their character.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I beg to know from Mr. Subba Aiyar what happend to the magistrate or magistrates whose action was condemned in the High Court judgment in the Chalai Riot case?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not in a position to answer him at present. First of all, it is a very old case. I am not in possession of an answer on the spur of the moment.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): If you remember—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know. If it is a recent thing—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): One of such condemned magistrates was made a munsiff.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A munsiff's appointment is sanctioned by the Government always on the recommendation of the High Court, I suppose. (*Laughter.*)

Therefore, what I say is that when they recommended the man in question for the munsiff's place, they might have reconsidered the question and found him to be an efficient officer.

I may assure the House that the question of the appointment of Stationary Magistrates in the five taluks I referred to also will be considered by the Government. As for the Division Assistants also I have said that the matter is being considered by the Government. The only point left is whether the District Magistrates should be divested of their powers of transfer. That is a very small matter. In consideration of the fact that very little remains to be done, I hope Mr. Paramesvaran Pillai will consider it worth while to withdraw the motion instead of pressing it to a division.

The resolution was put to the vote and lost, 17 voting *for*, and 22 *against*.

MR. JOSEPH PANJIKARAN (*Shertallai*): I demand a poll.

A poll was taken, and the House divided as follows :—

AYES—17.

1. Mr. T. K. Velu Pillai.
2. „ K. Dominic Tomman.
3. „ P. K. Narayana Pillai.
4. „ M. N. Pillai.
5. „ N. Padmanabha Pillai.
6. „ Joseph Panjikaran.
7. „ G. Paramesvaran Pillai.
8. „ K. Paramesvaran Pillai.
9. „ N. Ramakrishna Pillai.
10. Mr. K. C. Mammen Mappillai.
11. „ M. R. Madhava Variar.
12. „ Tariatu Kunjitomman.
13. „ T. Kumara Pillai.
14. „ C. P. Kochukunju Pillai.
15. „ A. Hoogewerf.
16. „ A. Govinda Menon.
17. „ T. M. Chidambaratanu Pillai.

NOES—22.

1. Mr. I. C. Chacko.
2. „ R. Dhanukoti Pillai.
3. „ L. C. Hodgson.
4. „ R. Krishna Pillai.
5. Dr. N. Kunjan Pillai.
6. Dewan Bahadur Dr. P. N. Lakshmanan.
7. Mr. K. V. Natesa Aiyar.
8. „ R. Nilakanda Pillai.
9. „ S. Paramesvara Aiyar.
10. „ W. H. Pitt.
11. Rao Bahadur K. V. Rangaswami Aiyangar.
12. Mr. M. Raja Raja Varma.
13. „ S. C. H. Robinson.
14. „ V. Subba Aiyar.
15. „ A. J. Van Ross.
16. „ P. Paramesvaran.
17. „ T. Lakshmana Pillai.
18. „ Trivikramar Vasudevar.
19. „ S. Subrahmanya Karayalar.
20. „ C. Ramankunju.
21. Rao Bahadur K. A. Krishna Aiyangar.
22. Mr. M. K. Khadir Pillai.

Appointment of a Committee to Examine the Abkari Policy with Special Reference to the Adoption of the Policy of Local Option.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to move that—

This Council recommends to the Government that a committee be appointed to examine the Abkari policy of the Government with special reference to the introduction of the principle of local option.

Sir, the proceedings of this House, ever since the inauguration of the Council Regulation of 1095, will testify to the public impression that affairs in the Excise Department stand in need of thorough revision and detailed examination. The adverse criticisms on the excise policy of the State ventilated in this House must be fresh in the minds of the members and I do not propose to take up the time of the Council by covering the same ground over again. The need for taking definite and advanced steps towards promoting the cause of temperance has been ably argued before the House by my friends Messrs. Hoogewerf and Madhava Variar. A resolution tabled on the subject last year by Mr. Madhava Variar was withdrawn on the assurance given by the Excise

[Mr. G. Paramesvaran Pillai.]

Commissioner, who was in charge of the resolution on behalf of the Government, that he would prepare a definite scheme in regard to this matter. But we are not aware of the formulation of any definite scheme by the Government on the subject. Before the Government take a final step in the matter, it is desirable that their proposals are examined by a few non-official representatives appointed by this House. The subject has attracted considerable attention at the hands of the Governments and public men elsewhere and there is a large volume of literature on the same. It has to be considered whether the formation of Advisory Committees will be of any avail or whether Licensing Boards also should be constituted. The constitution and powers of the Licensing Boards should be carefully examined, especially in view of the fact that similar bodies elsewhere have not been able to wield any effective control over the sale of liquors. The principle of local option has found favour with several Governments; and the Punjab Government have also lately decided to give effect thereto. In regard to the location of shops, the hours of sale and the conditions of license, considerable improvement has to be made upon the existing system. The rules now in force in these matters are not duly observed and there is no proper check or control exercised by the Excise authorities with a view to secure the strict observance thereof. Pointed attention of this House has already been drawn to the complaints that corruption is rife in certain Excise circles. Apart from the men who are involved in the matter, I am strongly of opinion that the existing system is largely responsible therefor. The system affords ample facilities for corrupt practices on the part of officers who are tempted the wrong way. I might refer, for instance, to the absence of the independent shop system in some of the northern taluks. An early introduction of the independent shop system in those areas may lead to satisfactory results. These questions can no more be delayed. For,once the new abkari contracts are given, we shall have to wait for a couple of years more to introduce any material changes in the system. Opportunity may also be taken by the committee to enquire into the entire question of administrative control in the Excise Department. The policy of the department should be so laid down that substantial retrenchment can be effected by the abolition of the high-paid supervising staff. It is of the utmost importance that Government should not lose any time in constituting a committee to examine all questions connected with the abkari policy. I am aware of the discordant note sounded last evening against the appointment of committees. But the objections then raised cannot apply to this instance. The resolution does not ask for the appointment of a large general committee whose scope is as wide as that of a Retrenchment Committee, and a committee constituted of such members as Messrs. Hoogewerf and Madhava Variar who have made a special study of the subject must necessarily inspire confidence in the minds of even Government officers. It is only such small committees appointed in regard to important departments having only a limited scope that can be of any use to rhe Government. I, therefore, think that there

will be no opposition whatever in regard to the constitution of a small committee consisting of persons who may be said to be competent enough to go into such matters. I, therefore, place this resolution for the kind acceptance of the Council.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I wish to know whether, by his resolution, Mr. Paramesvaran Pillai intends to discuss the whole abkari policy or the principle of local option alone.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): "The whole policy with special reference to the principle of local option"—that is what the Resolution says.

MR. A. HOOGEWERF (*Nominated*): Sir, I have more than once stated before this House that the Excise Department is being administered without any correct principle or consistent policy; that the department was put on a sound basis when it was first organised, and that the subsequent so-called reorganisations were each worse than the one before, the climax being reached when a large number of Petty Officers and peons, who formed the back-bone of the department were done away with and the new office of Sub-Inspector created. A series of metamorphoses had been going on, one turning the Assistant Commissioner into a Circle Officer and a division into a circle, another a Circle Officer into an Assistant Commissioner and a circle into a division; still another, a Sub-Inspector into an Inspector and *vice versa*; a range into a circle, and a Range Inspector into a Circle Inspector. The Government notification creating the Sub-Inspector said that he was intermediate between the Inspector and the Petty Officer. But Mr. Van Ross stated before this House that he had merely replaced the Petty Officer by a Sub-Inspector (see page 388 Vol. I No. 3). Eleven divisions with twelve Assistant Commissioners have been created, while there were only three divisions when the department was first organised. The Range Inspector has been installed as a sort of Circle Inspector and given the power of investigating the cases detected by Sub-Inspectors and Petty Officers. It is said that there is going to be yet another reorganisation very soon, and probably the last state may be worse than the first. The safeguards provided by the legislature for the protection of the subject have been removed and low-paid officers invested with powers to conduct house-searches. While the Excise Regulations enjoin that house-searches should be conducted under a warrant during the years 1096 and 1097, out of nearly 550 searches, not a single search appears to have been conducted under a warrant, except the 20 searches made by Petty Officers during these two years. Even the poor man's house is his castle and that officers dressed in brief authority should walk in *san ceremonie* is unpardonable. It cuts at the root of the safety of the subject; and I know as a *quondam* excise officer, what a handle it provides for persecution and malpractices. This serious flaw in Excise administration was pointed out long ago and things have gone only from bad to worse. Revenue has become a fetish, in utter disregard of the people's rights. When

[Mr. A. Hoogewerf.]

discussing the necessity for a large staff in the Commissioner's office the Commissioner said that the work of the Abkari Section had multiplied with the extension of the independent shop system. On the same day replying to the criticisms of some of the members, Mr. Van Ross contradicted himself and said that where the independent shop system had been introduced, the work in the office had been reduced (see pages 364 and 371 of Vol. I No. 3). On a question asked by Mr. P. K. Narayana Pillai at the last session of the Council what "grave offences" mean, it was said that it meant illicit distillation and illicit possession of arrack. Section 51 of the Abkari Regulation mentions about two dozen grave offences. To the question of Mr. John Nidiry what the offences are that are not grave, the Commissioner said that it was the ordinary possession of toddy, because the possession of toddy, he said, does not seriously affect the revenue, and we get tree-tax (see page 400, Vol. III No. 5). Possession of toddy is given as a grave offence in the Regulation. To the question asked by me whether arrack is not more intoxicating than toddy, the answer was that he was not in a position to tell me if it was so. When pressed by the late Mr. K. P. Raman Pillai for an answer Mr. Van Ross said that he was sorry he had not got the information (see page 398 of the same volume). Mr. Van Ross said in the same session that he should be given credit for an increase of twenty lakhs of rupees in excise revenue since he took charge of the department. But he omitted to say that almost the whole of this revenue was derived from a large windfall in the doubling of the salt duty, the enhancement of the duty on tobacco, liquor and tree-tax, opium and ganja and other articles, and the improvement of trade conditions generally. The Abkari Regulation was framed about 29 years ago, and section 28 giving an abkari officer, whose salary is not less than Rs. 20, power to conduct house-searches still remains unaltered. The answers to the questions put by me in this Council about the powers of the Petty Officer who draws a salary of Rs. 20 and over, were neither here nor there. I was told that the Petty Officer who draws a salary of Rs. 20 or over should be first invested with the powers of the Abkari Officer, before he conducted house-searches. But the fact remains that such officers have been conducting house-searches, and they were made Abkari Officers so long ago as the 2nd March, 1909. It is reported that one of the senior officers of the department sounded a note of warning at the recent Excise Conference that malpractices and corruption are rampant and that the department is on its downward march.

Mr. G. Paramesvaran Pillai has put the case for local option so well that I do not want to go over the same ground again. I may only add that the stock arguments trotted out against local option and prohibition cannot hold water. All these things may be told to the marines, but the sailors will not believe it. What is the harm in not opening a liquor shop in a place where the majority of the people do not want it? Nobody will now deny that liquor is useful to none and harmful to all. The only objection is that those who cannot get on without

liquor will resort to the illicit dealer. There are more facilities for these in places where there is licensed tapping. When tapping is totally prohibited, it is easy to detect illicit practices as tapping cannot be done secretly. There will be no difficulty in detecting and bringing the offender to book when he manufactures toddy either for consumption or distillation, which in itself is a difficult process to carry on clandestinely.

There is another objection, *viz.*, that the liquor-drinker may fall back upon ganja or opium; but these two drugs also should be prohibited. It is no excuse to say that people will resort to them on the sly. It is the duty of the State to prevent the people from indulging in vices at any cost. No department in the State is so closely concerned with the social and moral welfare of the people as the Excise Department. I shall conclude by repeating what I said in this House on a former occasion that a sober, prosperous and God-fearing people is a greater asset in the country's balance sheet than rupees, chackrams and cash.

MR. A. J. VAN ROSS (*Excise Commissioner*): In the first place, I have to say that I have not been able to hear much of what Mr. Hoogewerf has been saying. In fact, unless I hear his speech once again, I do not think I would be able to reply him except as regards one point which I heard, namely, that the increase of revenue in the Excise Department is due to increase in the duties. (*Louder, please.*)

PRESIDENT: A little louder, please. You complained that Mr. Hoogewerf was not loud enough, but in fact you speak as low as Mr. Hoogewerf himself! (*Laughter.*)

MR. A. J. VAN ROSS (*Excise Commissioner*): I have not been able to hear much of what Mr. Hoogewerf said. When he said that the increase of revenue in the Excise Department was due to the increase in the various duties, probably he thought that I had only to order an increase of the duties in order to effect an increase of revenue.

MR. A. HOOGEWERF (*Nominated*): Will Mr. Van Ross deny that the duty on arrack, tobacco and other articles has not been increased?

MR. A. J. VAN ROSS (*Excise Commissioner*): Probably Mr. Hoogewerf thinks that in order to increase the revenue it is enough if I order an increase of the duties. In the first place before an increase of duty is ordered various questions have to be taken into consideration. Whether it is the proper time to increase the duties, and whether after increasing the duties we can get the benefit of the increase have also to be considered before an increase of duties is ordered, because, as duties are increased, the activity of the smugglers also gets redoubled. We will have to control the increased activities of the smugglers. Otherwise we will not get the benefit of the increase. Mr. Hoogewerf ought to know all this. He was himself an excise officer. In fact we have very much to do in order to get the benefit of the increase of the duties.

With regard to Mr. Paramesvaran Pillai's resolution, as promised by me in reply to Mr. Madhava Variar's resolution in one of the past

[Mr. T. K. Velu Pillai.]

sessions of this Council. I have sent up my proposals to the Government and they traverse the whole abakari policy of the department. I am authorised to say that Government propose to appoint a mixed committee to consider my proposals. I may also say that among my proposals I have included the principle of local option. In view of what I have said, I think the mover will withdraw his resolution.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir,—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): On the assurance given by Mr. Van Ross,—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): But I am in possession of the House. (*Laughter.*)

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to withdraw the resolution.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I object to the withdrawal and I oppose the motion. (*Laughter.*)

There is one feature in the discussion which is indeed—

PRESIDENT: Will you please wait for a minute, Mr. Velu Pillai? I should like to refer to the rules as to whether, when the mover himself is prepared to withdraw the resolution, anybody else can be allowed to speak.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not think the mover is entitled to withdraw after another member has begun to speak opposing the resolution.

PRESIDENT: There is no resolution to oppose when the mover himself withdraws it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I submit that he should have withdrawn in time.

PRESIDENT: Strictly you are right; you may speak for the allotted time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With regard to time I wish you will extend to me the benefit of your discretion. You have been allowing all of us to extend the time but not very much.

PRESIDENT: Not in the present instance.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In this case, the House can congratulate itself that, as soon as the resolution was moved, the Excise Commissioner came forward, and in a lucid and short speech—the major portion of which was by way of an answer to Mr. Hoogewerf—in two or three sentences, accepted the resolution with a show of generosity. The excise policy of the State has been very confused for a long time. I do not want to detail the circumstances in which discussions have been carried on in this Council suggesting

a thorough examination of the whole question. This resolution is a dangerous one, because it is.—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am asking for a ruling from the Chair. I want to know whether I shall have a right of reply in case my friend is allowed to speak on the resolution and even in case I am withdrawing my resolution.

PRESIDENT: I do not think you have a right. You will have to wait till the end. Of course, you can then reply and withdraw.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That i what I want.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): He said he had already withdrawn. (*Laughter.*) I want to make some observations in regard to the terms of the resolution. The statement of withdrawal cannot be accompanied by any reasons.

PRESIDENT: If you want to speak and if Mr. Paramesvaran Pillai wants to reply, then the discussion must continue, and he must reply and then withdraw.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall go on. A committee to enquire into and report on the abkari policy is particularly welcome and I have absolutely nothing to say against the appointment of a committee. It is the words "local option" that create the difficulty. It is strange that, at the psychological moment when Mr. Paramesvaran Pillai put forward this resolution, the proposal made by Mr. Van Ross should happen to be before the Government. Small concessions, as I have pointed out on more than one occasion, are dangerous. The words "local option" are complicating the matter. The words "local option" form the main idea and the enquiry is supporting the idea.

PRESIDENT: That is what Mr. Paramesvaran Pillai has mentioned in his resolution. Mr. Van Ross has made it clear by saying that his report is comprehensive and that local option is only one of his proposals.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If the words "local option" are omitted, I shall be happy to agree with the mover and the resolution may be withdrawn. Local option has been proved to be a bad policy in various States. I have in my hand a book on Excise and Temperance in Madras written by an I. C. S. Officer, Mr. Strathie. He has proved to the hilt that this local option is going to be of no use to the country. In places where it was used they have fallen back on the old system. In Scotland, polls were demanded in 510 areas and the results were: no change 510, limitation 34, and no license 40. In Salem, after the shops were asked to go out of the city, after a time, local option was found to be impossible.

"Mr. E. R. Pease holds that in poorer quarters of towns where the poor spend far too large a share of their scanty earnings on drink and far to little on proper food and decent clothing, and where, if anywhere, the drink fiend should be fiercely attacked, local

[Mr. G. Paramesvaran Pillai.]

option would have no beneficial effect at all. It would make the slums still slummier and it would operate, if at all, in the direction of concentrating what all social experts desire to scatter – it would intensify the evils of drink where those are most acute and their social effects most disastrous. In the richer residential quarters, local option is a class measure. It enables the rich to impose restrictions on the poor. In form it may be democracy, in fact it is a tyranny. "Local option" says Mr. Pease, "can only operate in rural districts where visitations of it, if they occur, are not reported. It can do nothing positive to promote temperance".

That is the history of local option. The whole book shows that according to an experienced officer local option has been tried in many countries with no reasonable amount of success.

PRESIDENT: Is it your point that the question of local option should not be considered by the committee?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not say that it should not be considered. I understand the import of English words, and I understand the resolution is to appoint a committee in which the working of the Excise Department and the abkari policy of the State is going to be examined in the light of the words "with special reference to local option". The words "local option" create very serious difficulties and they considerably restrict the operation of the resolution. It is therefore that I thought of speaking about it. I want an enquiry. I am one of those who think that our abkari policy requires thorough overhauling. The department has not been doing its work well. There is very much talk of the inefficiency of particular officers and drink is on the increase. In the light of the fears entertained by the public, in the light of the opinion of the public on these questions, I want a thorough enquiry into the general working of the abkari policy without special reference to local option. As I pointed out, I am not against considering the question of local option. But it is a subordinate item of the question. That is my reason to oppose the resolution. If my friend, the mover, who, I am sure, wants as good an enquiry as myself, has no objection to omit these words, I shall feel extremely happy.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not know what I should say in reply to Mr. T. K. Velu Pillai after Mr. Van Ross has accepted the resolution itself. He began by saying that he would welcome an Excise Committee to go into the question of excise policy. All the trouble arose out of the words "local option" which I have included as one of the important matters for the consideration of the committee. I am not unaware of Mr. Strathie's book on the subject.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I never said that he was not aware.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I never said that he said that I was unaware. My point is that I am aware, and I have also said in my speech that there is a large volume of literature on the subject. Mr. Strathie's book does not conclude the case and should not be accepted without challenge. His opinions have been

subjected to serious criticism in the Madras Legislative Council and Mr. Strathie is one of the officers under the Madras Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I want to rise to a point of personal explanation. I never said that Mr. Strathie has said the last word on the subject; I merely referred to his book. The mover himself admits that there is a volume of literature on the subject and this is one of the books.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I did not pass my judgment upon the merits or demerits of local option. I deliberately suspended my judgment with a view to closer examination. I am not so ready to condemn local option because Mr. Strathie has said that it has failed in other countries.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not want to interrupt my friend. But I wish to put a question to him. I want to know whether local option is the most important thing to be considered by the committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It appears to me to be one of the very important things that have to be very carefully considered by the committee that I want the Government to appoint.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Would he be pleased to give other prominent ideas? One is local option.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I have already enumerated the chief points in my first speech. And it is open to my friend to understand it or not. I must again state that the question of local option should engage among other factors the serious attention of any committee that may be appointed to consider the question of excise policy; and since the Excise Commissioner himself has assured the House that that also will be considered along with other matters relating to the abkari policy, I am perfectly satisfied and beg leave to withdraw the resolution.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*). Sir,—

PRESIDENT: Mr. Paramesvaran Pillai has withdrawn his resolution and has sat down. Does the House object to the withdrawal, in which case I have to put the motion to the vote?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not press my objection to withdrawal because he has explained that there is no special significance in the words "local option".

PRESIDENT: Then does the House permit the withdrawal of the resolution?

The resolution was by leave withdrawn.

[Mr. K. Paramesvaran Pillai.]

The following resolution was not moved :

MR. TARIATU KUNJITOMMAN :

This Council recommends to the Government that revenue officers be completely divested of their magisterial functions.

PRESIDENT: The next resolution which is standing against the name of Mr. Tariatu Kunjitomman has been already withdrawn. I will now call upon Mr. K. Paramesvaran Pillai to move his resolution.

Throwing open of all Schools to all Classes.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to move the following resolution :—

This Council recommends to the Government that all schools be immediately thrown open to all subjects of His Highness the Maha Raja.

I do not think that any speech from me is necessary to commend this resolution to the acceptance of the House. The policy of the throwing open of all schools to all classes of the subjects of His Highness the Maha Raja was accepted by the Government many years ago. But at the time when the policy was laid down, there was some difficulty in throwing open all schools then existing on account of proximity of certain schools to temples or other religious institutions. Therefore it was then declared—I think it was during the time of Sir P. Rajagopalachari who was then the Dewan of the State—that steps would be taken to remove these schools from the places where they are situated and to throw them all open to all classes of His Highness' subjects. Though several years have now passed away—more than fifteen years have passed away—we still find that these schools have not been thrown open to all classes of His Highness' subjects. They are still preserved as caste-schools. I do not think that the time before the Government was not sufficient to enable them to make the necessary arrangements to remove them from the proximity of temples or other religious institutions and remove the complaint that they are not open to all classes, to whatever caste or creed they may belong.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I want to know whether his resolution relates to all Government schools.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether he includes special schools also. There are certain schools opened for Nambudiris and Malayala Brahmins.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): All Government schools.

PRESIDENT: Including special schools?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The special schools intended for the special benefit of Nambudiris and some other

people were not present to my mind when this resolution was drafted. Of course, if there are special reasons for excluding other communities from those schools, I do not wish to include those schools in my resolution. But I wish to include all Government schools which are generally open to all classes of His Highness' subjects. Now, in regard to these schools the difficulty of admitting all classes of His Highness' subjects was discovered long ago and it is rather surprising to find that adequate steps have not been taken as yet to remove the disability attaching to these schools. I do not think that the number of such schools is very many. But that there should still exist a distinction or rather a disability in the case of certain classes of people for admission even to the few schools, is, I submit, a great grievance; and therefore, in order that no subject of His Highness might feel that he is by reason of his caste excluded from any educational institution in this State, I recommend to the Government that immediate steps be taken to remove the ban and throw open to them all the schools. I lay special stress upon the word 'immediately' because Government may say: "We have recognised the principle and we will take due steps for the purpose in due course." They declared the policy more than fifteen years ago and there was sufficient time within which to make the necessary arrangements. Therefore, no further time should be lost in throwing open these schools to all classes of His Highness' subjects. With these few observations I place the resolution before the House.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I have very great pleasure in seconding the Resolution. An instance of a school where the Pulaya community was not admitted was pointedly brought to the notice of Government during the last session of the Council by a question put by me. It was with reference to a school at Vechur and the answer given by the Government was that there were three other schools in Vechur *pakuthi*, that in all these schools Pulayas were admitted, and that there was abolutely no room for complaint because of the Pulaya community not having been admitted in that particular school. I asked another question during this sesssion and the answer has not yet been received. My information was that there was only one school in that particular *pakuthi* and that Pulayas are not admitted there. If it is so, it is a real grievance. I was also informed that the reason for the exclusion of Pulayas is not quite correct. The explanation alleged was that, because there was a temple adjoining, it was not possible to give admission to them. I understand that there is a public road very near the school, that this road is nearer to the temple than the school, and that Pulayas are allowed to pass along that road; if this is a fact, there is absolutely no objection in giving admission to Pulayas into that school. Another instance which I brought to the notice of Government was in regard to the school at Manjur. I understand that admission has been given in that school. So far as Pulayas are concerned there are instances where admission has not been granted to them. I believe other members have also asked questions in regard to the admission of Pulayas in certain schools. My submission is that all traces of distinction of caste

[Mr. L. C. Hodgson.]

should be obliterated in this matter hereafter. With these observations I support the resolution.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Does that apply to Girls' Schools?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes.

MR. A HOOGEWERF (*Nominated*): I beg to support the motion put forward by Mr. Paramesvaran Pillai. The motion is quite in keeping with the enlightened policy of His Highness the Maha Raja's Government. Travancore stands in the forefront in the matter of education. University is groping in the horizon. Mr. Paramesvaran Pillai could not have chosen a more opportune moment than this to bring this motion before the House. I therefore heartily support the motion.

MR. PAUL V. DANIEL (*Agustisvaram*): Sir, I heartily support the sacred principle underlying this important motion. It indicates the solicitude on the part of the mover for the welfare and prosperity of a large section of His Highness' subjects. The motion embodies a request to remove a great barrier that has been placed against the progress of the depressed classes. If the information I have obtained is correct, I find the Government have, in the case of many schools, already wholly adopted this principle and that only a few schools remain yet to be thrown open to all subjects and they have not been thrown open only on the ground of their proximity to certain temples, that it has been the definite policy of the Government to throw open such schools to all alike and that even the few schools which remain yet to be thrown open will in the near future be shifted to places accessible to all subjects.

As matters stand at present, I feel bound to heartily thank the Government for everything already done in this direction and I sincerely hope the Government would remove the whole disability in the near future. Since it is found that on the ground of proximity to certain temples alone some schools have not been yet thrown open to all the subjects of His Highness, I think, the motion as it is worded is not quite acceptable and with a view to avoid all ambiguity and misunderstanding I suggest that the motion be thus worded *viz.*, "that all the schools which have not been thrown open to all the subjects of His Highness on the ground of proximity to certain temples be shifted to places accessible to all subjects."

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, the resolution as it stands on the agenda paper is that this Council recommends to the Government that all schools be immediately thrown open to all subjects of His Highness the Maha Raja. I understand Mr. K. Paramesvaran Pillai in the course of his speech said that his motion was that immediate steps be taken to throw open all schools to all subjects of His Highness the Maha Raja. Now, that is not quite the same as on the printed paper. I may say at once that it is not possible to throw

open all schools immediately. I can say, however, that immediate steps will be taken. I may say that steps are being taken towards throwing open all schools to all the subjects of His Highness the Maha Raja. I do not know whether Mr. Paramesvaran Pillai or anybody else has calculated the number of schools that remain inaccessible to certain of the subjects of His Highness the Maha Raja. Out of something like 900 schools,—departmental, primary, and vernacular middle, —the total up to the present moment not open to all classes is only 25. Out of these 25, steps are actually being taken at the present moment to open five boys' and two girls' schools to these people. The Inspector of the Vernacular Schools is now at Ayakudi in connection with the matter of throwing open the Ayikudi school to these classes. It is stated—

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Is Mr. Hodgson aware that in certain schools which are open to all classes of persons, Pulayas and other people are not admitted even now?

MR. L. C. HODGSON (*Director of Public Instruction*): I have heard that that is sometimes the case, and there have been some cases in which the headmasters have been taken to task for not admitting them to the classes. At the same time there are very many cases in which, when the schools are thrown open to these classes, they do not attend. They are afraid to go. I suppose they prefer to stay away. We cannot take the blame for that. (*Laughter.*) Out of these 25 schools, five boys' schools are about to be opened to them. Two girls' schools are now in the process of being thrown open. For that purpose, actual steps are being taken. Seven other boys' schools are under the consideration of Government. I am only awaiting the orders of Government to take steps with regard to them. In big places like Changanachery and Vaikam it is a very difficult matter now to carry out this highly desirable practice. We have long-standing schools there, situated in the heart of the town and conveniently situated for the population. In order to carry out this policy we must remove the schools in these places and put them up somewhere else and the cost would be very considerable. Nevertheless, with regard to those other schools, Government have taken the matter into consideration and only two days ago I saw in a letter that further arrangements would be considered. In the case of the eleven schools, no positive step has yet been taken; but it is our intention sooner or later to throw open all schools to all classes. I think, Sir, considering that, out of 900 schools, only eleven schools are not accessible, it cannot be said that the Government or the department have been indifferent in this matter. I might say that very great credit for throwing open the schools to a large number of these classes is due to my predecessor Dr. Bishop who received the thanks of the Travancore Government. I might say that in later years definite and positive steps have been taken for bringing about this consummation. About a year and a half back, local Dewan Peishkars with the local Assistant Inspectors and Inspectresses inspected every school which was not open to all classes of the community, and submitted a join

[President.]

report. From most of them we have received reports and the result will be that out of 25 schools 7 will be opened very shortly. Of the rest, the cases of 7 are under correspondence with the Government, there being only a balance of 11 with regard to which the difficulty of removing them elsewhere remains to be solved.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : May I know if these eleven school buildings may not be sold away with the premises and other buildings cannot be erected in suitable places ?

MR. L. C. HODGSON (*Director of Public Instruction*): That is what is being done at Ayikudi, and with the money so obtained it is proposed to erect the new building on a site adjoining the campshed. I consider it very suitable for the purpose. That is one way. But I think in view of the fact that these have narrowed down to merely 11 schools and on an assurance which I can give that it is the intention of Government to take steps to have all these schools thrown open at the earliest possible moment and in view of the fact that Mr. Paramesvaran Pillai himself did not press that all such schools shall be immediately thown open I think he will withdraw his resolution.

Then with regard to Mr. Ramakrishna Pillai's point, I might say that the school has actually been thrown open to all classes of people, and there is actually nothing to prevent them from attending the school regularly.

So I ask Mr. Paramesvaran Pillai in the circumstances to withdraw the resolution in view of the assurance I have given him and in consideration of the fact that there is very little to be done and not to press his request that immediate action be taken.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I was aware that there were only a very small number of schools which are left closed to certain sections of the subjects of His Highness the Maha Raja. But the existence of even one such school will certainly justify my resolution, because to say that even a single school is not open to all classes is certainly a slur on the Government and this progressive State. Therefore, there should be no distinction especially in the matter of education, either of any caste, colour, or creed, and no subject of His Highness the Maha Raja should feel it as a grievance that his son or daughter was denied admission to any particular school on the score of his or her caste. Nevertheless, in spite of the assurances given by the Director of Public Instruction that immediate steps would be taken to throw open all schools to all classes of His Highness' subjects, I do not press this motion to a division.

MR. L. C. HODGSON (*Director of Public Instruction*): I cannot exactly say, "immediate steps to throw all schools open" because it will take time but "immediate steps towards throwing them open."

PRESIDENT: I believe what you mean is: "Immediate steps will be taken *towards* the throwing open of the inaccessible schools, but immediate results cannot be promised."

I will ask the House to permit Mr. Changanachery K. Paramesvaran Pillai to withdraw the resolution.

It was accordingly withdrawn.

PRESIDENT: We will now rise and meet again at 11-30 to-morrow.

The Council adjourned at 5-10 P. M.

S. PARAMESVARA AIYAR,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Saturday, the 3rd November 1923.

(*OFFICIAL REPORT.*)

The Council met in the Victoria Jubilee Town Hall at Eleven-Thirty-four A. M. with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Applications for Agricultural Loans.

67. MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state:

(*a*) the number of applications under the Agricultural Loans Regulation received by the Tahsildars and the Dewan Peishkar of the Kottayam Division in 1098, the number already disposed of and the number awaiting disposal among such applications; and

(*b*) whether they will direct the Dewan Peishkars and the Tahsildars to submit to Government a quarterly statement of such applications received, disposed of, and pending disposal in their offices, with reasons for the delay in the disposal of each such application?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Information has been called for.

(*b*) Periodical statements are now being received and scrutinised by the Government.

Sale of Salt by Licensees.

68. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) the names of the licensees of the salt factories in South Travancore to whom the concession of private sale of salt was granted

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[Mr. S. Paramesvara Aiyar.]

from Dhanu, 1098, to the end of Kanni, 1099, and the reasons for granting such concession; and

(*b*) the amount of loss sustained by the Government as a result of granting such a concession?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) No private sale of salt in factories is allowed, but direct sale is allowed under the supervision of factory officers. Under the terms of their agreements, the licensees are bound to deliver to Government certain quantities of salt each year subject to the payment of the *kudivila* mentioned therein and they are entitled to sell direct to private persons the remaining salt manufactured by them subject to the payment of duty to Government. The member probably refers to the remissions granted to the licensees in regard to the fixed quantities of salt deliverable by them to Government under their agreements. The licensees of the following factories were granted the remissions specified against them in Vrischikam 1098:—

(1) Avadhanial's factory ...	22,222	maunds.
(2) Cape Comorin General Traffic Company's factory ...	15,556	,,
(3) Dr. Sankaramurti Pillai's factory ...	1,872	,,
(4) Tamaracolam Puttallom ..	8,889	,,
(5) Srimulagopalanathan *allom*...	22,222	,,
(6) Srimulakrishnamani *allom*...	11,111	,,

The reason for granting these remissions is the unforeseen loss the licensees sustained on account of the cyclone of November last.

(*b*) Government sustain no loss worth mentioning by the grant of such remissions.

Sale of Salt by Proprietors of Salt Pans.

69. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*):

(*a*) Will the Government be pleased to state whether they have granted permission for the sale of salt to the proprietors of salt pans who carry on salt manufacture in South Travancore, after receiving the share due to the Government?

(*b*) If sanction has been accorded, will the Government be pleased to state from what time such sanction has been given, and what the Excise Commissioner's reasons for the same are?

(*c*) Will the Government be pleased to state how many maunds of salt have thus been sold from the time when sanction was accorded to the sale of salt up to Kanni, 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) and (*b*) The member is referred to the answer to part (*a*) of question No. 68.

(*c*) 1,13,856 maunds.

Salt washed away by the Cyclone.

70. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : Will the Government be pleased to state :

(*a*) whether the salt belonging to Mr. S. Subrahmanya Karayalar washed away by the recent cyclone was on the ridges for nine months instead of being removed to the platform ;

(*b*) whether the salt was allowed to remain there in spite of the licensee's frequent applications to the Government for the removal thereof, and

(*c*) whether the Excise Commissioner condemned that salt as unfit for human consumption ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) :
(*a*) It is reported that no salt was lying on the ridges.
(*b*) In view of the answer to part (*a*) this question does not arise.
(*c*) The answer is in the negative

Sale Price of Mr. Karayalar's Salt.

71. MR. A. HOOGEWERF (*Nominated*) : Will the Government be pleased to state :

(*a*) whether there is any arrangement which prevents wholesale purchasers who may come to any special understanding with Mr. Subrahmanya Karayalar from selling salt at higher rates than those stipulated in the agreement with Mr. Karayalar ; and

(*b*) whether similar arrangements have or have not proved to be disastrous both to the Government and the consumers in the case of monopoly sales, in respect of Bombay and Tuticorin salt at Quilon and Trivandrum ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) :
(*a*) No such arrangement is necessary, for it would be futile for Mr. Karayalar to come to any special understanding with any wholesale purchasers to put up prices, since Mr. Karayalar is bound to sell salt in any quantity at the stipulated rate to any person who is prepared to pay for it and cannot confine his sales to any particular set of wholesale purchasers. He cannot put up prices without combining with the whole body of purchasers, which is impracticable, seeing that there is no limit to them.

(*b*) Government are not aware of any similar arrangements having been made in former years at Quilon and Trivandrum.

MR. A. HOOGEWERF (*Nominated*) : Was not Mr. Motha given the contract for importing and selling salt in Quilon and Trivandrum a few years ago ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) : Yes.

MR. A. HOOGEWERF (*Nominated*) : Why was that system stopped ?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That refers to a different contract altogether in respect of which I have not got the information ready here.

MR. A. HOOGEWERF (*Nominated*): Was not the import and sale system tried at Alleppey in 1085 and 1086, the contract being given to three contractors and did not the system fail?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That contract refers to an old period; and the records must be looked into before any reply could be given.

MR. A. HOOGEWERF (*Nominated*): Was not the supply and sale system prevailing in Munambam? Why was it stopped?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I have not got the information ready in regard to that arrangement.

Contract with Mr. Subrahmanya Karayalar for Salt.

72. MR. A. HOOGEWERF (*Nominated*): With reference to the answer to question No. 231 asked at the meeting of the Legislative Council held on the 18th April, 1923, regarding the supply and sale of local salt at Alleppey, will the Government be pleased to state:

(*a*) the circumstances under which the contractor could not perform his part of the contract for 1095;

(*b*) why the contract was not put up to public auction;

(*c*) the average quantity of salt arranged to be transported and sold a year;

(*d*) whether there was any necessity for giving Mr. Karayalar such a monopoly;

(*e*) whether Government will not incur a loss by this arrangement, and if so, what the annual loss will be on this account;

(*f*) whether the *mel-labham* which now accrues to the Government as gain will not be lost by this arrangement;

(*g*) the quantity of salt belonging to Mr. Karayalar lost during the recent floods;

(*h*) whether any consideration of this loss weighed with the Government in expediting the carrying out of Mr. Karayalar's undertaking to transport and sell home-made salt; and

(*i*) whether Mr. Karayalar had been often complaining that his salt was not made use of for sale?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The contractor did not refuse to perform his part of the contract in 1095.

(*b*) There was more than one application for the contract and they were all considered before Mr. Karayalar's application was accepted.

(c) The quantity depends upon the actual requirements of each year. For 1098, it was three lakhs of maunds.

(d) It must have been considered necessary at the time.

(e) and (f) There might be some loss, but the Government apparently thought at the time of giving the contract that it was worth while incurring the loss, with a view to give a trial to the system which was advocated by the Excise Commissioner. It is not possible to calculate the annual loss, if any. The agreement provides for the payment of *mel-labham* to Government.

(g) A quantity of 1,11,390 maunds of salt belonging to Mr. Karayalar was lost in the floods.

(h) No. The contract for the transport of local salt had been concluded before the loss by the cyclone occurred.

(i) Mr. Karayalar petitioned the Excise Commissioner once, but that petition does not relate to the salt concerned in the contract referred to in the other parts of the question.

The following additional information is laid on the table in connection with this contract :—

Up to 1095, Government were selling local salt at Alleppey from their depôt and not the stock required therefor from the factories at Tamaracolam through transport contractors. At that time Government were realising about 6 annas per maund in addition to duty and cost price to cover wastage, transport, establishment and other charges.

In 1095 (22nd April, 1920), Government, in consultation with the then Excise Commissioner, decided to give a trial to the policy of levying duty and *kudivila* alone on salt and leaving the transport and sale of the same to private enterprise and accepted accordingly an offer from Mr. Subrahmanya Karayalar for the transport and sale of Tamaracolam salt at Alleppey for three years in such quantities as might be fixed from year to year subject to the condition that he should pay one anna per maund to Government towards charges for establishment, supervision and godowns.

In 1095 and 1096 the output of salt at Tamaracolam being very small, Government were unable to perform their portion of the agreement and it was therefore agreed between the Government and Mr. Karayalar that the latter should have the benefit of the contract for three years from 1097.

In the beginning of 1097 there was a stock of 3,44,300 maunds of salt at Tamaracolam. Under the terms of the agreement the Government had a right to retain a reserve stock at the Tamaracolam factories to keep down local prices and they were bound to sell the balance to Mr. Karayalar for transport to Alleppey. But the needs of Trivandrum did not permit this being done and effect being given to the contract in 1097 also. Mr. Karayalar then sent a notice of suit to Government under Section 409 of the Civil Procedure Code. Government referred the notice to their Law Officers, who recorded the opinion that there was a binding

[Mr. A. Hoogewerf.]

contract, that the Government had committed a breach of the agreement, that Mr. Karayalar had a fairly good case, that if allowed to go to a court of law, he might obtain a decree for damages, and that a compromise with him would be the best under the circumstances. Accordingly, after considerable negotiation, a fresh agreement was arranged for with Mr. Karayalar on the understanding that he waived his rights for damages arising from the non-performance of the original contract by Government. Under the revised agreement, the contract should subsist for 1098, 1099, 1100 and 1101 and the amount payable to Government was to be 6 pies per maund. Mr. Karayalar should take delivery of 3 lakhs of maunds of salt in 1098 and such quantities as might be fixed by Government in subsequent years from the factories of Tamaracolam.

Before the formal agreement could be signed, the cyclone of the 14th Vrischikam, 1098, destroyed the stock of salt at Tamaracolam, and in view of this mishap which rendered the new agreement incapable of performance, it had to be still further altered. As finally arranged the following are the terms of Mr. Karayalar's contract :—

(i) that Mr. Karayalar will transport and sell during 1098 not more than 3 lakhs of maunds of Tuticorin salt and such quantities during the three succeeding years as may be required to make up 3 lakhs of maunds of salt each year when taken together with the Tamaracolam salt that may be declared by Government to be available for transport to and sale at Alleppey;

(ii) that he should sell the salt at Alleppey during 1098 at Bh. Rs. 2 as. 4 per maund and that he should pay a commission to Government of one anna and six pies per maund;

(iii) that the term of four years allowed for the Tamaracolam salt contract should be reduced by the number of years during which Mr. Karayalar is allowed to transport and sell Tuticorin salt;

(iv) that the sale price of Tuticorin salt at Alleppey for 1099 and for each of the subsequent years will be fixed by Government at the proper time according to the prevailing prices of salt at Tuticorin; and

(v) that, if in the sale at the Alleppey depôt Mr. Karayalar fails to conform himself to the issue price fixed by Government, it will be open to Government to appropriate the remaining quantity of salt at Alleppey on paying 10 annas per maund to him and sell the same through Government agency.

It has to be noted that Bh. Rs. 2 as. 4 was fixed as the selling price of salt for 1098 as there was no home-made salt available at Tamaracolam for transport to Alleppey in that year and as the price of both Tinnevelly and Bombay salt at Alleppey at the beginning of 1098 stood at that figure.

MR. A. HOOGEWERF (*Nominated*): With respect to part (*b*), my question is why the contract was not put up to public auction.

PRESIDENT: That is given in the reply itself. It is answered in parts (*e*) and (*f*). Government wanted to try that system.

MR. A. HOOGEWERF (*Nominated*): Are there not records to show the reasons why it was considered necessary at that time?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government wanted to try the experiment of the sale of salt by contractors instead of undertaking it direct themselves.

MR A. HOOGEWERF (*Nominated*): With reference to parts (*e*) and (*f*), what is the loss?

MR S. PARAMESVARA AIYAR (*Secretary to Government*): It is stated in the answer that it is not possible to calculate the loss, if any.

MR. A. HOOGEWERF (*Nominated*): What is the advantage, if any, in giving the sale of salt to a contractor?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is a well-recognised principle that Government should not engage themselves in trade wherever private agencies can be had for the purpose; and that principle applies to salt also.

MR. A. HOOGEWERF (*Nominated*): Has it not ended in disaster?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government are not aware.

Mr. Subrahmanya Karayalar's Salt Contract.

73. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to say:

(*a*) whether Mr. S. Subrahmanya Karayalar sent any notice of suit against the Government towards the end of 1098 or the beginning of 1099 for damages on account of the loss of salt in the cyclone;

(*b*) whether any new concession has been given to Mr. Subrahmanya Karayalar for the transport or supply of salt besides the concession given before; and

(*c*) what the approximate loss to the Government under the item of recoveries on account of the concessions given to Mr. Subrahmanya Karayalar is?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes. But he withdrew it soon afterwards.

(*b*) No new concession has been given. Mr. Karayalar has been allowed to transport and sell Tuticorin salt until home salt becomes available.

(*c*) The member is referred to the answer to part (*e*) of question No. 72.

[Mr. M. N. Pillai.]

Loss of Salt to Mr. Subrahmanya Karayalar.

74. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) the quantity of salt belonging to Mr. Subrahmanya Karayalar and other salt licensees lost during the recent floods;

(*b*) whether it is a fact that the salt was allowed to remain on the platform for about nine months or so, though Mr. Karayalar and other licensees frequently applied to Government for the removal thereof;

(*c*) whether it is a fact that the Excise Commissioner condemned the salt as being unfit for human consumption; and

(*d*) whether, when Government finally ordered the acceptance of the salt, the flood washed it away before its removal?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The quantity of salt belonging to Mr. Karayalar lost during the recent floods was 1,11,390 maunds. The quantity lost by the other licensees was 2,23,662 maunds.

(*b*) The usual procedure is for the licensees to remove salt from the ridges to the drying platform, and after drying it there, to get it weighed and stored on the storage platforms under the supervision of the department. Such stored salt is subsequently removed in the order of the date of manufacture. The salt lost in the cyclone was the balance of the salt manufactured in 1097 and in the Purattasi *Pani* of 1098. If by removal from the storage platform the member means the removal of the share of salt due to Government after accepting it from the licensees, it has to be stated that Government are not bound to accept and remove the share due to them sooner than they need it for sale or transport, and as a matter of fact, no licensee except Mr. Subrahmanya Karayalar applied for such acceptance and removal. His request was not granted, because, firstly, he did not comply with the rules in regard to storage, and secondly, because the salt was not required immediately for sale or transport.

(*c*) and (*d*) The answer is in the negative.

Purchase of Patent Medicines.

75. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) the amounts spent on the purchase of patent medicines during the years 1097 and 1098;

(*b*) the names and quantities of patent medicines purchased; and

(*c*) the hospitals, dispensaries and other institutions to which these patent medicines were distributed, together with the names and quantities of the medicines so distributed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) 1097	...	Rs. 371
1098	...	Rs. 244.

(*b*) Statements * furnishing the information required by the member are laid on the table.

(*c*) These are not ordinarily issued to hospitals and dispensaries open to the public.

Salt License Agreement between Government and the Cape Comorin Traffic Company.

76. MR. N. RAMAKRISHNA PILLAI (*Vaikom* cum *Ettumanur*):

(*a*) Was the salt license agreement between the Government and the Cape Comorin Traffic Company revised in 1096 or 1097?

(*b*) Was the *kudivila* rate increased thereby? If so, what is the increase and what are the reasons for the same?

(*c*) Have similar privileges been extended to any other salt licensees, and if so, to whom?

(*d*) Has the above company agreed to construct a bund? If not, what steps have been taken to enforce the terms of the agreement?

(*e*) Has the failure of the company in not executing this work contributed in any way to the recent destruction of salt in the adjoining *alloms* in the cyclone of Vrischikam, 1098?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The agreement with the company was not revised in 1096 or 1097. But in 1095, the company was given the privilege of selling, on payment of the duty and cess due to Government, the excess salt in their factory over and above the 50,000 maunds due to Government annually, on condition that they completed within three years certain works which were necessary for the development of their factory. After the three years the quantity of salt to be delivered was fixed at 75,000 maunds a year instead of 50,000 maunds. The three years' time granted to the company expired by the end of 1098. But the company applied for a further extension of time as the floods of Vrischikam 1098 had caused great damage to the works already executed in the factory. On the recommendation of the Excise Commissioner, the company has been given a further extension of one year's time till the end of 1099 to complete the above works.

(*b*) The *kudivila* rate has not been increased.

(*c*) The answer is in the negative.

(*d*) The company has agreed to construct a bund on the western side of its factory.

(*e*) The answer is in the negative.

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* *Vide* Appendix I A and B—page 340.

[Mr. A. Hoogewerf.]

Independent Shop System in Cochin.

77. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether it is a fact that the independent shop system was introduced in the bordering taluks of Cochin about ten years ago and why the same system was not introduced in the northern taluks of Travancore at that time?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

The independent shop system in regard to toddy appears to have been introduced in the Cochin State in the year 1092 M. E. The great disparity in the rates of tree-tax prevailing in the two States prevented the introduction of the system in the northern taluks of Travancore.

MR. A. HOOGEWERF (*Nominated*): Why were not the biennial contracts from 1094 to 1099 in the northern taluks given on the independent shop system?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is given there:—"The great disparity in the rate of tree-tax prevailing in the two States prevented the introduction of the system in the northern taluks of Travancore."

MR. A. HOOGEWERF (*Nominated*): It is stated that the system was introduced in Cochin in 1092. There were three biennial contracts after that. Why was not the independent shop system introduced in the northern taluks of Travancore also?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The disparity referred to still continues. That is the reason why it was not introduced in the northern taluks of Travancore.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that the rentals are much higher in the Cochin State owing to the small tree-tax there?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes, the rentals are higher there.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that the price of toddy on both sides of the border is equal?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No.

Male Doctor in the Victoria Jubilee Hospital, Quilon.

78. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) whether Sub-Assistant Surgeon Mr. Sankaranarayana Aiyar, is still in the Victoria Hospital, Quilon;

(*b*) whether the appointment of a male doctor to a hospital where the in-patients are all women is not against the spirit of the Government order taking away the charge of the hospital from the doctor in

charge of the District Hospital, Quilon, and placing a lady doctor in independent charge of it;

(c) whether there is not at present, in the Victoria Hospital, a lady who is acting as Sub-Assistant Surgeon who can take the place of the male doctor;

(d) whether, if this cannot be done, a lady doctor from any other hospital cannot be transferred to take Mr. Sankaranarayana Aiyar's place in that hospital; and

(e) whether it is a fact that this officer was sent to help the lady doctor who was new to her work?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) Yes.

(b) This institution is not a *gosha* hospital and the members of the staff are appointed as determined by exigencies of service. Women will be appointed as far as possible.

(c) The female Sub-Assistant Surgeon now working in the Victoria Hospital was posted as an additional assistant as one Sub-Assistant Surgeon was found insufficient to cope with the work.

(d) No female medical officer is available for transfer to the Victoria Hospital at present.

(e) The answer is in the negative.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to say whether at any time before this a male doctor was appointed to the Victoria Hospital, Quilon?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) Yes.

MR. A. HOOGEWERF (*Nominated*): May I know the name of the person?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not remember the name.

MR. A. HOOGEWERF (*Nominated*): Was there a male assistant doctor before Miss E. Samuel took charge there?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I must call for the information.

MR. A. HOOGEWERF (*Nominated*): Are Government aware that the charge of the Victoria Hospital was taken away from Dr. Lakshmanan because he is a male doctor?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No, it was not on that ground that it was taken away.

MR. A. HOOGEWERF (*Nominated*): On what ground was it then?

MR. R. KRISHNA PILLAI (*Chief Secretary to Governmen*' Probably there was a lady doctor available at that time, and so she was put in charge of it and he was removed.

[MR. S. Paramesvara Aiyar.]

MR. A. HOOGEWERF (*Nominated*): Is there any male doctor in charge of the Women and Children's Hospital, Trivandrum?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

MR. A. HOOGEWERF (*Nominated*): Do Government contemplate keeping this male doctor in the Victoria Hospital until another female doctor is available?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, till another lady doctor is available.

MR. A. HOOGEWERF (*Nominated*): Did not one Miss Jacob, an M. B. & B. S., put in an application when there was a vacancy?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have no information.

Increase in the Excise Revenue.

79. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state how much of the increase of Rs. 20 lakhs in the Excise revenue claimed to have been brought about by the present Excise Commissioner since he took charge of the department has been derived from (1) the enhancement of salt duty; (2) the enhancement of duty on liquor or tree-tax; (3) the enhancement of the duty on opium and ganja; (4) the enhancement of the duty on other articles; and (5) improvement of trade conditions?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A statement furnishing the information required by the member is given below:—

Items of Revenue.		*Increased amounts derived.* Rs.	Chs.	C.
(1) Salt duty	...	5,73,169	23	14
(2) Tree-tax	...	1,81,516	3	5
Duty on arrack	...	2,47,125	13	3
(3) Opium and Ganja	...	*Nil.*	...	...
(4) Other articles	...	7,29,703	0	0

(5) The increase in revenue on account of improvement in trade conditions is not ascertainable.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether the duty on Coimbatore and Tinnevelly tobacco was raised from Rs. 90 to Rs. 100 and on Jaffna tobacco from Rs. 100 to Rs. 110 after Mr. Van Ross took charge?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): What is the increased amount derived by the enhancement of the duty on tobacco?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The total enhancement is given there.

MR. A. HOOGEWERF (*Nominated*): I want the increased amount from the rise of duty on tobacco also.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I want notice.

Vechur Primary School.

80. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): With reference to the answer to question No. 86 asked at the meeting of the Legislative Council held on the 7th August, 1923, will the Government be pleased to say:

(*a*) the names of the three primary schools in the Vechur *pakuthi* which are open to all classes of people; and

(*b*) whether it is a fact that Pulayas are allowed to use the road which is nearer the temple than the school from which they are excluded?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) 1. Vechur Mar Michael's Aided Primary School.
2. Vaikam St. Louis Do.
3. Kallara C. M. S. Do.

(*b*) Pulayas walk along the road referred to.

Travelling Allowance, etc., to non-official Legislative Council Members.

81. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to say what the expenditure was on account of travelling allowance, etc., to the non-official members of the Legislative Council during 1098?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The amount of travelling allowance, etc., drawn by the non-official members of the Legislative Council during 1098 is Rs. 11,880-4-9. This amount is inclusive of the travelling and other allowances to non-official members that sat on the various committees of the Legislative Council.

Jenmi and Kudiyan Bill.

82. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to say whether the Jenmi and Kudiyan Bill is ready for introduction in the Legislative Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Bill is still under the consideration of Government.

Miss Martin, Deputy Surgeon.

83. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*):

(*a*) Will the Government be pleased to state on what principle they fix the rank of an officer in the *Civil List*?

(*b*) Is it a fact that the Darbar Physician has recommended that Miss Martin who is a supernumerary Deputy Surgeon be placed last in the grade of Deputy Surgeons when she is absorbed in that grade?

[Mr. R. Krishna Pillai.]

(c) Will the Government be pleased to say whether it is a fact that Miss Martin occupies the thirteenth place in the list of Deputy Surgeons?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) The following are the principles according to which rank of officers is usually fixed in the *Civil List*:

(i) Seniority in any particular grade or appointment is fixed according to the dates on which the officers are confirmed in those grades or appointments.

(ii) If two or more officers belonging to the same *cadre* are promoted on the same day, their previous rank in the *cadre* is usually followed in their new appointments.

(iii) In the case of officers of different departments taking charge of new appointments in the same *cadre* on the same date, rank is determined with reference to their substantive pay prior to their appointment, or, if they drew the same pay, with reference to the date on which they began to draw that pay.

(iv) If rank could not be fixed in any of the above ways, the total service of the officers would be taken into account.

(v) Exceptional cases will be dealt with according to the merits of each case.

(b) Government are not prepared to disclose the recommendations made by their officers in the matter of appointments and promotions.

(c) The member is referred to page 166 of the *Civil List* corrected up to the 1st Chingam, 1099.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): On what principle was Miss Martin's rank determined? There are several principles mentioned in the answer.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): After considering all the principles.

PRESIDENT: You mean the rank in the *Civil List*?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes, Several principles are given. On which of those principles was the rank fixed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Is it a fact that Miss Martin was allowed to be promoted from the 18th to the 13th grade?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): She was supernumerary and she was put in the regular *cadre* only recently.

PRESIDENT: She had no definite number as she was supernumerary.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether the Government's order appointing Miss Martin as a supernumerary Deputy Surgeon was correctly carried out?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Government have treated her more considerately than as contemplated in the original order.

Applications for Tapping.

84. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) What is the proper time when applications for tapping trees hould be presented?

(*b*) When should the trees included in the applications be numbered and marked?

(*c*) Are the trees being numbered and marked within the time specified?

(*d*) Were all the trees included in each application numbered and marked in the years 1097 and 1098 within such time?

(*e*) If not, will the Government be pleased to state the place and the number of trees at each place which were not numbered and marked within the proper time?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) No time has been fixed for the applications for licenses for tree-tapping.

(*b*) The trees should, under the rules, be numbered and marked within three weeks from the date of issue of the licenses or within 26 days from the date of application.

(*c*) It is reported that, as a rule, trees are being numbered and marked within the time specified.

(*d*) and (*e*) All the trees applied for during the months of Chingam, Kanni and Tulam in 1097 and 1098 were not marked before the close of Tulam in those years. A list* of the trees so left unmarked after the close of Tulam is appended.

Huzur Employees drafted to other Departments.

85. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Will the Government be pleased to lay on the table a statement showing the names, appointments and pay of the persons who have been permanently drafted to other departments from the Huzur Office from 1096 to the end of 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The statement † required by the member is laid on the table.

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* *Vide* Appendix II—page 341. † *Vide* Appendix III—page 342.

Appendix I A.

***Vide* Answer to Question No. 75.**

List of Patent Medicines purchased in 1097.

Names of Patent Medicines.	Total quantity purchased.		Total quantity expended.
Adaline Tablets ...	Vials.	2	2
Cactina Pillets ...	Vial.	1	1
Elliman's Embrocation ...	Bottle.	1	1
Elixir Aletris Co. ...	do.	4	4
Sulphur Bitters ...	do.	1	1
Syrup, Grimault's ..	do.	47	15
Zam-Buk ...	Tins.	3	3
Aletris Cordial ...	Bottle.	1	1
Almateine ...	do.	1	1
Celerina ...	do.	1	1
Gripe water ...	do.	1	1
Phosphodyne, Lallor's ...	do.	1	Nil.
Taka Diastase Liquid ...	do.	8	2
Antiphlogestine ...	Tins.	76	9

Appendix I B.

***Vide* Answer to Question No. 75.**

List of Patent Medicines purchased in 1098.

Names of Patent Medicines.	Total quantity purchased.		Total quantity expended.
Celerina ...	Bottles.	6	Nil.
Elixir Aletris Co. ...	do.	21	21
Eno's Fruit Salt ...	do.	12	8
Lactagol ...	do.	3	3
Manola ...	do.	3	3
Phosphodyne, Lallor's ...	do.	1	2
Tablet Taka Diastase ...	do.	1	1
Taka Diastase Liquid ...	do.	12	3
Iodine Vasogen ...	lb.	1	½
Antiphlogestine ...	Tins.	12	17

Appendix II.

***Vide* Answer to Question No. 84**

List showing the number of trees applied for in Chingam, Kanni and Tulam **1097** and 1098, but which were not marked before the end of Tulam of each year.

No.	Name of Range.	No. of trees not marked before the close of Tulam.	
		1097	1098
1	Nagercoil ...	428	340
2	Vilavankod ...	10	208
3	Neyyattinkara ...	20	...
4	Chirayinkil ...	142	60
5	Quilon ...	79	626
6	Kottarakkara ...	19	101
7	Pattanapuram ...	12	171
8	Shenkottah ...	90	15
9	Kunnattur ...	91	50
10	Karunagapalli ...	108	145
11	Kartikapalli ...	87	...
12	Mavelikara ...	190	146
13	Chengannur ...	125	87
14	Pattanamtitta ...	17	72
15	Tiruvalla ...	236	211
16	Ambalapuzha ...	1007	1381
17	Ettumanur ...	227	107
18	Kottayam ...	314	425
19	Changanachery ...	5	321
20	Minachil ...	292	371
21	Peermade ...	...	7
22	Muvattupuzha ...	189	156
	Total ...	3688	5000

Appendix III.

Vide Answer to Question No. 85.

List showing the employees of the Huzur Office drafted to other departments

No.	Names.	Designation.	Pay.
			Rs.
1	K. Narayanan Pandalai ...	Secretary to Government.	400
2	T. Ramalingam Pillai ...	1st class clerk	80
3	H. Paramesvara Aiyar ...	Do.	85
4	S Sanku Aiyar ...	Do.	75
5	M. Lakshmana Rao ...	2nd class clerk	60
6	S. Ramaswami Aiyar ...	Do.	50
7	R. Janardana Aiyar ...	Do.	65
8	S. Damodaran Poti ...	Do.	50
9	V. Krishna Aiyar ...	Do.	55
10	K. Sivarama Pillai ...	Do.	55
11	P. Balakrishna Pillai ...	Do.	50
12	N. Padmanabha Pillai ...	Do.	65
13	R. Ranga Rao ...	Do.	65
14	K. Narayana Pillai ...	Do.	50
15	R. Dharmaraja Aiyar ...	Record Keeper	60
16	K. Subrahmanya Sarma ...	Do.	60
17	N. Sankaranarayana Aiyar ...	Lower Grade clerk	30
18	A. C. Subrahmanya Pillai ...	Do.	40
19	T. K. Janardanan Tampi ...	Do.	30
20	A. Narasimha Pattar ...	Do.	25
21	Aundi Chandrasekhara Aiyar ...	Do.	30
22	N. Sankara Pillai ...	Do.	20
23	K. Govinda Variar ...	Do.	35
24	G. Narayana Pillai ...	Do.	35
25	C. N. Battatiri ...	Do.	30
26	N. Govinda Panikkar ...	Do.	40
27	K. G. Narayana Pillai ...	Do.	25
28	R. Krishnan Nair ...		20
29	P. Bhaskara Pillai ...	C. V. R. clerk	40
30	Martanda Pillai ..	Do.	22
31	P. Raman Pillai ...	Typist.	20
32	Pallichal Raman Pillai ...	Peon	8
33	Edapazhanji Krishna Pillai ...	Do.	7
34	Aranur Krishna Pillai ...	Do.	7
35	Ramaswami Aiyar ...	Do.	7
36	Manakkad Sivasankara Pillai ...	Do.	7
37	Padmanabhan Poti ...	Do.	7
38	Marukil Matevan Pillai ...	Do.	8
39	Jagati Narayana Pillai ...	Do.	7
40	Easvaran Govindan ...	Do.	7
41	Kelan Kochappi ...	Do.	7

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Friday to be a Public Holiday for Mahomedans.

MR. M. K. KHADIR PILLAI (*Nominated*): Sir, I beg to move the following resolution:

This Council recommends to Government that Friday be declared a holiday for the Mahomedans of the State.

In moving the above resolution, it is not necessary for me to make a long speach in support of the subject, since it does not affect any financial interest of the State, nor is it calculated to offend the sentiments of any community here. What I wish to bring to the notice of this Council is a purely religious matter, and as such no lengthy discussion is required to convince the honorable members of both sides of this House of the necessity of bringing such a matter. The Mahomedans of this state are now suffering under a great difficulty, and the members will, I am sure, heartily join with me in trying to get this difficulty removed. The Mahomedans in Travancore are not in any way behind their brethren—the Hindus and the Christians—in their loyalty and devotion to His Highness' Government, and, consequently, it is nothing but just and lawful that we should receive the support of this House in a request which, if given effect to, will greatly help to contribute towards unity and friendship amongst the various communities of this liberal and progressive State. It is the duty of every civilised Government to co-operate with the subjects in their endevours to realise all their legitimate aspirations, and thereby enhance the welfare and happiness of the people whom they govern. Our noble and illustrious ruler, His Highness the Maha Raja, with such a capable and liberal-minded Minister to advise him in all matters regarding the adminstration of his State, is always ready to do anything which would be conducive to the attainment of this object.

The Hindus and Christians of this State are granted their holy days as general public holidays; for example, all New Moon days, Onam days and several other holy days of the Hindus, and all Sundays, Christmas days and Easter days of the Christians are recognised by the Government as public holidays. I assure this House that I am only glad about this concession to Hindu and Christian sentiments; but, at the same time, I am also glad to say that a few of the Mahomedan holy days are also recognised by the Government as general public holidays.

I hope that all the honorable members on both sides of this House are aware of the fact that Friday is considered by all Musalmans throughout the world as the most sacred day for them. Hence it will only be a loss of time if I attempt to make a long disquisition on the subject. My prayer is not for a general public holiday on Friday, but only that it should be declared a holiday for Mahomedans. From the following, it can be seen that my prayer is reasonable and acceptable. Religious toleration is enjoyed by every one of His Highness' subjects and hence my plea for a special privilege being granted to the Mahomedans whom I represent in this Council will, I trust, be favourably considered by my

[Mr. M. K. Khadir Pillai.]

honorable friends. Now if this request of mine be granted, I am sure that all the Mahomedans will consider it as a great blessing, and they will be enabled to observe Fridays in the manner enjoined by their religious doctrines.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*). May I know whether all Mahomedans are obliged to attend the mosque throughout the whole day-time?

MR. M. K. KHADIR PILLAI (*Nominated*): Only at prayer time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): At what time?

MR. M. K. KHADIR PILLAI (*Nominated*): Between 12 and 2, for two hours. But they will have to walk several miles to reach the mosque.

You all know that every grown-up male Mahomedan should attend the mosque on all Fridays for his prayers. Now, as it is, they are compelled sometimes to violate this rule, much against their will, being forced to attend law courts and other public offices on Fridays, as they cannot but comply with the orders of such courts and offices. I fully believe that the honorable members of this Council will raise no objection in recommending to the Government to have my prayer granted. I hope that it will not be out of place if I state here the underlying principles that enjoin all Mahomedans to observe Friday as a holy day. I may not be taken amiss if I quote a few lines from the Koran, our Holy Scripture, in support of my argument. In sunnat 62 of the Koran, occurs the following passage. I am afraid that the honorable members of this House, with the exception of Sahib Bahadur S. Adam Sait who is not present, do not know Arabic, and so I may give here a free translation of the same.

> "All Mahomedans should suspend all their daily work as soon as they hear the vesper call, generally known as *Baunk*, and at once go to the mosque to attend the religious congregation, and remain there till the services are over. Any violation of this commandment will be visited with the divine wrath, and if any one after hearing the call continues his mundane work without attending the mosque, all his dealings will be cursed."

MR. A. HOOGEWERF (*Nominated*): At what time of the day is the call for vespers?

MR. M. K. KHADIR PILLAI (*Nominated*): It is at 12 o'clock.

In another part of the same holy book, it is stated thus:

> "If any one does not attend the mosque on any Friday and go to any other place outside the parish of which he is a member, he will be cursed by the angels."

This commandment of our Prophet is now more often violated than attended to, as we are often compelled to attend courts and cutcheries situated far away from our mosques, in obedience to the various orders of Government officials. The only remedy for this deplorable state of affairs consists in our being granted Friday as a holiday. Again, in another part of our sacred book, it is definitely said thus:

"The number of Mahomedans required to form a congregation in a mosque in any place on Friday is forty, who are permanent residents under the jurisdiction of the mosque where their houses are situated. If this number could not be obtained by the absence of any one, the full service cannot be gone through, and the man who causes this obstruction will be held responsible before God for the non-performance of the service and he will get double punishment for his fault."

The necessity for our compulsory attendance in the mosque of our own parish can be clearly seen from the following:

"If anyone attends any other mosque than his own on any Friday, he will not be counted as one among the forty who should attend that mosque, and though he is permitted to join others in their services, he cannot be expected to have complied with the stipulations of the Koran".

Hence it is absolutely necessary that he must, under all circumstances, attend his own mosque on Friday for prayers. This doctrine of our religion is as important as any other found in the Koran.

There are many more passages in our Holy Book to be mentioned in connection with the sacredness of Friday, but I shall confine myself with quoting two more passages:

"God is with him who obeys his commandments and also with those who help him in discharging his religious duties".

Again:

"He who does not strictly obey the commandments of God, is certainly accursed and will have to undergo the divine punishment".

The above are some of the many doctrines contained in our sacred book, and every true Mahomedan is bound to act up to those principles.

Now I hope that the honorable members are convinced how aggrieved the Mahomedans are at present and how they are often compelled to act against their religious feelings and precepts.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): May I know whether Mahomedans are compelled to attend cutcheries and schools on Friday afternoons at present?

MR. M. K. KHADIR PILLAI (*Nominated*): They are compelled to attend not only in the afternoons but at all times.

MR. A. HOOGEWERF (*Nominated*): Does the Koran say that schoolboys should attend the mosque?

MR. M. K. KHADIR PILLAI (*Nominated*): They are not compelled.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know if this resolution of Mr. Khadir Pillai covers the case of convicts in prisons as well as under-trial prisoners?

MR. M. K. KHADIR PILLAI (*Nominated*): If Government grant that concession to them also, it will be welcome.

I admit that there are certain difficulties to be met with in granting my prayer. These difficulties can be easily avoided by adjusting official business in such a manner that the presence of any Mahomedan in any public office may be conveniently required either on Thursday

[Rao Bahadur K. A. Krishna Aiyangar.]

or on Saturday. If such an arrangement be made with the presidign officers of the several departments of Government, the problem is easily solved. By doing so, no interruption will be caused to the regular conduct of the ordinary course of business in the various departments of the State, as the number of cases in which the presence of Mahomedans as parties and witnesses is required will not, I hope, be more than five per cent.

Another fact I wish to bring to the notice of this Council in connection with my resolution is that my prayer for making Friday a holiday is purely for religious purposes and not for enjoying the day as a day for amusement.

MR. A. HOOGEWERF (*Nominated*): Does Mr. Khadir Pillai want a holiday for the Mahomedan students also?

MR. M. K. KHADIR PILLAI (*Nominated*): No.

PRESIDENT: If it is a holiday for Mahomedans generally, it will cover Mahomedan students also.

MR. M. K. KHADIR PILLAI (*Nominated*): No, Sir; I do not mean that.

MR. PAUL V. DANIEL (*Agastiswaram*): May I know if my friend wants to give a holiday to a Mahomedan Judge for the whole day?

MR. M. K. KHADIR PILLAI (*Nominated*): A whole day is not necessary. The courts will be situated in towns; he can go to the mosque and come back in an hour.

MR. A. HOOGEWERF (*Nominated*): May I know what he proposes for Mahomedan teachers?

MR. M. K. KHADIR PILLAI (*Nominated*): I do not say that they must be exempted, because almost all the schools will be in towns.

MR. A. HOOGEWERF (*Nominated*): Does he not want to give the benefit of the holiday to the teachers?

MR. M. K. KHADIR PILLAI (*Nominated*): No, not for the whole day.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Do I understand Mr. Khadir Pillai to suggest that, in places where there are no Mahomedan mosques, they should have a full holiday, while, in other places such as towns, no full holiday need be given?

MR. M. K. KHADIR PILLAI (*Nominated*): No, not so. I shall explain. At Perumbavur, there is a Munsiff's court; the jurisdiction goes to about 30 or 40 miles. If a Mahomedan is summoned to go to Perumbavur, he will have to go early in the morning and can return home only in the evening. There is no mosque at Perumbavur.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): So he requires a full holiday.

Mr. M. K. KHADIR PILLAI (*Nominated*): I hope the foregoing reasons will sufficiently convince this House of the reasonableness of my resolution, and they will spare no pains to make my efforts a success.

I therefore earnestly request the honorable members of both sides of this House to assist me in achieving my long-cherished desire and thus confer upon all the Mahomedans of this State a boon which will help them to extricate themselves from their present anomalous position, and win the gratitude of a most loyal and law-abiding section of the subjects of His Highness the Maha Raja, our benevolent sovereign.

PRESIDENT: Is the resolution seconded?

Mr. PAUL V. DANIEL (*Agastisvaram*): I am going to second it. In the light of the speech made by my friend Mr. Khadir Pillai and in the light of the answers given by him to the various questions which were asked by the members of this Council, I beg to second the motion.

PRESIDENT: Do you second the motion as it is on the agenda?

Mr. PAUL V. DANIEL (*Agastisvaram*): No, not exactly as it is.

PRESIDENT: That is not the rule. You must second the resolution as it is.

Mr. PAUL V. DANIEL (*Agastisvaram*): Then I beg to second the resolution as it is, so that I may offer it before the House for discussion.

Mr. A. HOOGEWERF (*Nominated*): Sir, as I said before, my position with regard to my two neighbours is a difficult one. (*Laughter.*) The other day I had to oppose my left-hand neighbour's proposition about cow-killing. There, I had to deal with the religious, the economic and the humanitarian aspects of the question. To-day it is only the religious aspect that has to be considered.

To come to the point, I am sorry I have to oppose the motion as it stands. From the answers elicited from Mr. Khadir Pillai, it will appear that what he wants is a concession only in the case of witnesses and clients who have to come from distant places. He wants others who live in towns to be exempted only between 12 o'clock and 2 o'clock. The Mahomedan Sabbath does not appear to be the same as the Christian and Jewish Sabbaths. The Christian Sabbath begins from 12 o'clock on Saturday night and ends at 12 o'clock on Sunday night. The Jewish Sabbath begins from 6 o'clock on Friday evening and closes at 6 o'clock on Saturday evening as is seen from the Jews closing and opening their shops at those hours.

I do not know what the Koran says with regard to the Mahomedan Sabbath. But it is only the noon service, it appears, that has to be attended and schoolboys are not obliged to attend it, whereas, among Christians, children above the age of seven have to attend the divine service on Sundays and other holy days. I also see the Chalai

[Rev. Fr. Kuriakose Vettikkapalli.]

bazaar opening soon after the mosque service at 2 o'clock. So, the question practically comes to this, namely, that Mahomedans in towns should have two hours' concession, and clients living far away from towns should not be obliged to attend courts, etc., on Fridays. Otherwise, the motion, as it stands, is impracticable. While Christians and Hindus have to work for six days in the week, Mahomedans will have only to work for five days. The Director of Public Instruction will raise a hue and cry if Mahomedan teachers do not attend school on Fridays and leave the classes to look after themselves. Coming to a judge or a magistrate, the cases in the court will suffer if they are to work only five days in the week. This difficulty has to be faced. I am glad to see Mr. Khadir Pillai reducing his motion to a more modest one.

MR. M. N. PILLAI (*Trivandrum*): May I know what the practice in British India is?

PRESIDENT: Mr. M. N. Pillai wants to know what the practice in British India is.

MR. A. HOOGEWERF (*Nominated*): I do not know.

PRESIDENT: Mr. Hoogewerf says he does not know.

MR. M. N. PILLAI (*Trivandrum*): I want to know it from Mr. Khadir Pillai.

PRESIDENT. You can ask him a question only when he is replying.

MR. A. HOOGEWERF (*Nominated*): I support the motion with the qualification that clients and others who are in towns may be asked to attend only after 2 o'clock and others living at a distance may not be forced to attend the court on Fridays, while the Mahomedans in public offices may be allowed to attend service between 12 and 2 and make up the two hours earlier in the day, because it is not fair that non-Mahomedans should work for more hours during the week than their Mahomedan brethren.

REV. FR. KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): Sir, I have the greatest respect for the religious sentiments of other communities. But from what I understood, Mr. Khadir Pillai has not succeeded in proving that the Mahomedan religion requires of its adherents an entire rest on Fridays or that it prohibits all kinds of work on that day. All he said was that attendance in the mosque at a particular time on that day is required by their religion; and, if my information is correct, I understand some provisions have been made and some circulars have been sent to the effect that all convenience and facilities should be afforded to the Mahomedans in the public service to fulfil this duty. So I do not see the necessity for granting a further concession as now required by the member.

Further, I beg to say that it will not only dislocate business in the public service as well as in the schools, but it will also be against the interests of the community itself, because the authorities, I am sure,

will think twice before they take into service persons who work only five days instead of the usual six days in the week. Under these circumstances, I am sorry I have to oppose the resolution.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Coming from a constituency where there is a good number of Mahomedans and being specially requested by many of them, I think that, in spite of the fact that my friend Mr. Khadir Pillai has chosen this nick of time for advancing a religious question, it is my duty, whose religion has been represented to be the most tolerant of all the religions in the world, to side with my friend in fully supporting his resolution.

Sir, some of my friends who opposed the resolution bring in a plea that the adding of one more holiday to the usual holidays will not be convenient or conducive to efficiency. I do not think that kind of argument will hold good. For, if Christians and Hindus can be given any number of holidays, I do not see why these people who form but a small minority in the State should not be given the facility which my friend asks.

MR. A. HOOGEWERF (*Nominated*): Will not the Mahomedan Government servants have to work only five days instead of six days like all others?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): No. He never asked that all the officials should be given full holidays.

PRESIDENT: But the resolution means that, Mr. Govinda Menon.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): For my part, I fully support the resolution. Mahomedans have got every right to demand a holiday, because, according to the quotations given by my friend, it is our bounden duty to see that each religion is treated as we would expect our religion to be treated by other people.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): As I was listening to Mr. Khadir Pillai, I concluded that his real requirement was that Mahomedan parties and witnesses might be exempted from attendance on Fridays. If he is prepared to modify his original resolution on the lines developed in the discussion, I think the House may whole-heartedly support his motion.

MR. M. K. KHADIR PILLAI (*Nominated*): I accept the amendment.

PRESIDENT: Mr. Krishna Aiyangar does not propose any amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): As I was listening to him, Sir, I felt that it was a real difficulty that the Mahomedan community had to face in the matter of attendance at Friday service. Though the resolution as stated is a very large measure, I felt that his requirement would be satisfied if the House accepted a modified resolution that Mahomedan parties and witnesses should be exempted from appearing in public offices on Fridays. If he is allowed to modify his original resolution on those lines, I think there is absolutely no objection to the House accepting it.

[Mr. P. K. Narayana Pillai.]

PRESIDENT: But even in regard to that proposition, there are other aspects to be considered.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am merely suggesting what strikes me as a satisfactory solution of the minimum requirement of the Mahomedan community without seriously dislocating public work.

PRESIDENT: You would perhaps like to hear what the official side has to say.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I beg to oppose the resolution in its present shape. The object of the mover in urging the Government to declare Friday as a public holiday in the case of Mahomedans is to enable them to go to the mosque and join in the *juma* prayer. It is true that that prayer is obligatory on all Mahomedans and that it is looked upon by them as particularly sacred. But the question is whether a full day is absolutely necessary for saying the prayer. The mover himself concedes that they need not have a full holiday except in the case of the people living in places where there are no mosques. Yesterday was a Friday and the mover who is an orthodox Mahomedan was able to attend the Council the whole day, except for a few intervals.

So far as courts and public offices are concerned, Government have laid down that leave of absence for one hour should be allowed to all Mahomedan parties and witnesses and such of the Mahomedan employees as may apply for it, the period being fixed with reference to the time at which prayers are said in the local mosques. In the case of Mahomedan pupils, the noon-day interval is fixed at two hours. Thus, every reasonable facility is being given to Mahomedans to offer their prayers on Fridays. Friday is not a holiday in British India, Mysore or Cochin. That being the case, Government are not satisfied as to the necessity for allowing Friday as a full holiday for Mahomedans. Government, however, have no objection to request the High Court to consider the desirability of not summoning witnesses and parties on Fridays as far as possible. In view of this assurance, I hope the mover will find his way to withdraw the resolution.

MR. M. K. KHADIR PILLAI (*Nominated*): With the assurance that (*louder, please*) the High Court will be requested—

PRESIDENT: The High Court will be requested to consider the desirability of instructing the courts not to summon Mahomedan witnesses and parties on Fridays, as far as possible.

MR. M. K. KHADIR PILLAI (*Nominated*): "As far as possible" should be removed.

PRESIDENT: That is what is stipulated on behalf of the Government.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know, when there is an urgent necessity to arrest a person under warrant on a Friday, whether Mr. Khadir Pillai would object to that person being arrested on that day?

PRESIDENT: "As far as possible" is absolutely necessary to provide for such exceptional cases. Are you prepared to withdraw the resolution?

MR. M. K. KHADIR PILLAI (*Nominated*): Yes.

The resolution was by leave withdrawn.

Revision of the Constitution of the Sri Mulam Popular Assembly.

PRESIDENT: Mr. Kunjitomman's resolution is as follows: *This Council recommends to the Government that, with a view to enhance the usefulness of the Sri Mulam Popular Assembly and in order to make it more representative, all persons paying a yearly tax of one rupee or more be empowered to vote and that the Assembly be given the power to interpellate and move resolutions on all administrative matters.*

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ശ്രീമൂലം പ്രജാസഭയുടെ പ്രയോജനത്തേയും പൊതുജനപ്രാതിനിധ്യത്തേയും അഭിവൃദ്ധിപ്പെടുത്തുന്നതിനായി ഒരു രൂപാ കരം തീരുവയുള്ളവൎക്കെല്ലാം മെമ്പറന്മാരെ തിരഞ്ഞെടുക്കുന്നതിനു സ്വാതന്ത്ര്യം നല്കണമെന്നും പ്രജാസഭയിൽ ചോദ്യങ്ങൾ ചോദിക്കുന്നതിനും പ്രമേയങ്ങൾ അവതരിപ്പിക്കുന്നതിനും അവകാശം നല്കണമെന്നും ഈ യോഗം ഗവൎമ്മെന്റിനോടു ശിപാൎശചെയ്യുന്നു. ഇതാണ് എന്റെ പ്രമേയം.

ഒന്നാമതായി ഒരുരൂപാ കരം തീരുവയുള്ളവൎക്കുകൂടി വോട്ടവകാശം കൊടുക്കണമെന്നുള്ളതിന്റെ കാരണത്തെപ്പററി പ്രസ്താവിക്കാം. രാജ്യത്തെ ജനങ്ങളിൽ വലിയ പങ്കും ഇപ്പോഴത്തെ നിലയിലുള്ള വോട്ടവകാശം ഇല്ലാത്തവരാണ്.

പ്രഭുക്കളുടേയോ അല്ലെങ്കിൽ ധനവിഷയത്തിൽ ഔന്നത്യമുള്ള ചില സമുദായക്കാരുടേയോ പ്രതിനിധികളാണ് ഇപ്പോൾ ശ്രീമൂലംപ്രജാസഭയിലധികമുള്ളതു്. ഗവൎമ്മെന്റിൽ നിന്നും താഴ്ന്ന സമുദായത്തിൽപെട്ട ചിലരെ കൂടി തിരഞ്ഞെടുക്കുന്നുണ്ടെങ്കിലും അവർ ആ സമുദായാംഗങ്ങളാൽകൂടി തിരഞ്ഞെടുക്കപ്പെടുന്നവരല്ല. കഴിയുന്നതും എല്ലാ വൎഗ്ഗക്കാൎക്കും എല്ലാ സ്ഥിതിയിലുള്ളവൎക്കും ശ്രീമൂലംപ്രജാസഭയിൽ തങ്ങളുടെ പ്രതിനിധികളുണ്ടെന്ന് അഭിമാനിക്കത്തക്കവണ്ണം വ്യവസ്ഥചെയ്യേണ്ടതാവശ്യമാണ്. പുലയർ, പറയർ മുതലായവൎക്കും എല്ലാവൎഗ്ഗത്തിലുമുള്ള സാമാന്യജനങ്ങൾക്കും തങ്ങളുടെ കാൎയ്യങ്ങളിൽ ശ്രദ്ധിക്കുന്നതിനു തങ്ങൾകൂടി തിരഞ്ഞെടുത്തിട്ടുള്ള പ്രതിനിധികൾ ഉണ്ടെന്നു വിചാരിക്ക

[President.]

വാൻ കഴിയുന്നത് ആശ്വാസകരമാണ. അവർ വളരെ സങ്കടത്തിലും ബുദ്ധിമുട്ടിലും കഴിഞ്ഞുകൂടുന്നവരുമാണ്. അവരുടെ കാൎയ്യങ്ങൾ ഇങ്ങനെയുള്ള സഭകളിലാണ് പ്രത്യേകം ഗൌനിക്കേണ്ടത്. അവരുടെ സംഗതികൂടി ഗവർണ്മെന്റിന്റെ ശ്രദ്ധയിൽ കൊണ്ടുവരുന്നതിന് ഈ വ്യവസ്ഥ പ്രേരകമായിത്തീരുന്നതാണ്. അവരുടെ സഹായം കൂടി ഉണ്ടെങ്കിലേ പ്രജാസഭയിൽ വരാൻ സാധിക്കൂ എന്നുള്ള വിചാരം മെംബർമാൎക്കുണ്ടാകേണ്ടതത്യാവശ്യമാണ്.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): പുലയരുടെയും പറയരുടെയും ഇടയിൽ ഒരു രൂപായ്ക്കുമേൽ കരംതീരുവയുള്ളവർ എത്രയുണ്ട ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ൫൦ രൂപാ കരംതീരുവയുള്ളവരെക്കാൾ അധികമുണ്ട്. കണക്കുനോക്കിയാൽ നിശ്ചയമായിപറയാം.

ഇതിനുംപുറമെ എല്ലാ ജനങ്ങൾക്കും രാജ്യകാൎയ്യങ്ങളിൽ ഒരു പങ്കുണ്ടെന്നു വരുത്തുന്നത് രാജ്യക്ഷേമത്തിനു ഏററവും അത്യാവശ്യമാണ്. കാൎയ്യക്ഷമതയോടുകൂടിയരാജ്യഭരണത്തിന് ഇതു സഹായമാണ്. തങ്ങളുടെ രാജ്യത്തിലെ ഭരണകാൎയ്യത്തിൽ തങ്ങൾക്കും പങ്കുണ്ടെന്നും അതിൽ തങ്ങളുടെ ചുമതല നിൎവ്വഹിക്കേണ്ടതാണെന്നും ഉള്ള ബോധം പൊതുജനങ്ങളിൽ വരുത്തേണ്ടത് രാജ്യോന്നമനത്തിന് ഒഴിച്ചു വയ്ക്കാൻ പാടില്ലാത്തതൊന്നാണ. ജനങ്ങളിൽ ഭൂരിപക്ഷത്തിനും ഇപ്പോഴത്തെ വ്യവസ്ഥ പൊതുക്കാൎയ്യപ്രസക്തിയുണ്ടാകുന്നതിനു തടസ്സമായി നില്ക്കുന്നു.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): ഓരോരൂപാ കരംതീക്കുന്നവൎക്കേ പാടുള്ളുവെന്നതിനു കാരണങ്ങൾ വല്ലതുമുണ്ടോ ?

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഞാൻ അങ്ങനെ നിർബന്ധിക്കുന്നില്ല.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): കരംതീരുവയുള്ളവൎക്കേ വോട്ടവകാശം കൊടുക്കാവൂ എന്നുണ്ടോ? കരംതീരുവവേണമെന്നു നിർബന്ധമില്ലെങ്കിൽ വളരെക്കൂടുതൽ ആളുകൾക്ക് വോട്ടവകാശം ഉണ്ടാകുന്നതല്ലേ? ഒരു രൂപാ കരം എന്നുപറഞ്ഞതിനു വല്ല പ്രത്യേകകാരണവും ഉണ്ടോ ?

PRESIDENT: Are you asking why it is necessary to insist on any property qualification at all ?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes, Sir; and why the minimum of one rupee is fixed.

MR. TARIATU KUNJITOMMAN (*Murattupuzha*): ഒരു രൂപാ കരംതീരുവയുള്ളവക്കു തിരഞ്ഞെടുപ്പവകാശം കൊടുത്താൽ വളരെ ജനങ്ങൾക്കു മെംബർമാരെ തിരഞ്ഞെടുക്കുന്നതിനു വോട്ടുചെയ്യാൻ സാധിക്കും. ഒരു രൂപാ കരംതീരുവയില്ലാത്ത പ്രായപൂർത്തിവന്ന സ്ത്രീകൾക്കും പുരുഷന്മാക്കും വോട്ടവകാശം കൊടുക്കുന്നത് അധികം നല്ലതാണു്.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): ഇപ്പോഴത്തെ കരം ഒരേക്കറിനു പുഞ്ചവയലാണെങ്കിൽ ഒരു രൂപായാണ്. പണ്ടു് വസ്തുപതിഞ്ഞിട്ടുള്ളവക്കു ഒരു പണമാണു്. അവക്കുംകൂടി കൊടുക്കണമെന്നു മിസ്റ്റർ കുഞ്ഞിത്തൊമ്മൻ വിചാരിക്കുന്നുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Murattupuzha*): എനിക്കു് എല്ലാവക്കും കൊടുക്കുന്നതു സമ്മതമാണു്. പ്രായപൂർത്തിവന്നിട്ടുള്ള എല്ലാ സ്ത്രീകൾക്കും പുരുഷന്മാക്കും വോട്ടവകാശം കൊടുക്കുന്നതിന് ഒരു പ്രമേയം നിങ്ങൾ കൊണ്ടുവന്നാൽ അനുകൂലിക്കുന്നവരുടെ കൂട്ടത്തിൽ ഒന്നാമതായി കൈ പൊക്കുന്നതു ഞാനായിരിക്കും. അൻപതിൽ നിന്നു് ആദ്യം ഒന്നായി കുറയ്ക്കാമെന്നുവച്ചു എന്നേയുള്ളു.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): ഒരു രൂപാകരമാക്കിയാൽ പറയർ, പുലയർ മുതലായവരുടെ പ്രതിനിധികളെ ഗവർൺമെൻറു പ്രത്യേകം വയ്ക്കണമോ?

MR. TARIATU KUNJITOMMAN (*Murattupuzha*): അതവരോടു ചോദിച്ചു തന്നെ അറിയേണ്ടതാണു്.

ഏതായാലും ഇപ്പോൾ ഉള്ളതിനെക്കാൾ വളരെ കൂടുതൽ പൊതുജനപ്രാതിനിധ്യം ഉണ്ടാകുമെന്നുള്ളതു് നിസ്സംശയമാണു്. സാമാന്യ ജനങ്ങളുടെ ഇപ്പോഴത്തെ വിചാരം കേവലം ഉദ്യോഗസ്ഥന്മാരുടെ കാര്യമാണു് രാജ്യകാര്യമെന്നാണു്. ഇവരിൽ പലരും ഉദ്യോഗസ്ഥന്മാരുടെ പാദസേവയും ചെയ്തു് തങ്ങൾ ബുദ്ധിമുട്ടിയുണ്ടാക്കുന്ന പണത്തിൽ ഒരു വലിയ പങ്കും അവക്കു കൊടുത്തു് അവരുടെ ദാസന്മാരുടെ നിലയിൽ വളരെ കഷ്ടപ്പെട്ടു കഴിഞ്ഞുകൂടേണ്ടിവരുന്നു. ജനങ്ങൾക്കു പൊതുവെ തങ്ങൾക്കും രാജ്യകാര്യത്തിൽ പങ്കുണ്ടു്, തങ്ങളിൽ ആണു ജനപ്രതിനിധികളെ തിരഞ്ഞെടുത്തയക്കാനുള്ള അവകാശമിരിക്കുന്നതു്, എന്നുള്ള ബോധം ഉണ്ടാകുന്നതു് ഉത്സാഹകരമായ ഒരു കാര്യമായിരിക്കും. പൌരബോധം ജനസാമാന്യത്തിനിടയിൽ വരുത്തുന്നതിനു ഇതു് ഒരു നല്ലവഴി

[Mr Tariatu Kunjitomman.]

യാണ്. വാസ്തവത്തിൽ ഉദ്യോഗസ്ഥന്മാരിൽ ചിലരുടെ ദുസ്സ്വാതന്ത്ര്യപ്രവൃത്തികൊണ്ടും മററും സാമാന്യജനങ്ങളുടെ ആത്മാഭിമാനവും പൌരുഷവും നാൾക്കു നാൾ ക്ഷയിച്ചു കൊണ്ടാണിരിക്കുന്നതു്. നമ്മുടെ രാജ്യത്തു് പൌരുഷവും ആത്മാഭിമാനവും ഉള്ള പൌരന്മാരുടെ സംഖ്യ വർദ്ധിച്ചാൽ മാത്രമെ രാജ്യത്തിന്നഭിവൃദ്ധിയുണ്ടാകയുള്ളു.

ചോദ്യങ്ങൾ ചോദിക്കുന്നതിനുള്ള അധികാരം നല്കണമെന്നാണല്ലൊ പ്രമേയത്തിൽ രണ്ടാമതായി ഉദ്ദേശിക്കുന്നത്. അതിനുള്ള കാരണങ്ങളെ പററി പറയാം. പ്രജാസഭയിൽ ഒരോ പ്രതിനിധിയും വന്ന് ഒരോ കാര്യങ്ങൾ പറയുന്നു. സ്കൂൾ വേണം, റോഡു വേണം, ആശുപത്രിവേണം എന്നൊക്കെ പറയുന്നുണ്ട്. ഇതിനെ സംബന്ധിച്ച് ഏറെക്കുറെ സഭാദ്ധ്യക്ഷനും മററു ഡിപ്പാർട്ടുമെൻറു മേലധികാരികളും ആനുകൂല്യം കാണിക്കുന്നുമുണ്ട്. വാസ്തവത്തിൽ കീഴുദ്യോഗസ്ഥന്മാരുടെ ആനുകൂല്യം കൂടാതെ ഇതുകൊണ്ട് വലിയ പ്രയോജനമുണ്ടാകുന്നില്ല. ഇതെല്ലാം കീഴുദ്യോഗസ്ഥന്മാരുടെ അടുക്കൽ സേവിച്ച് അവർ മുഖാന്തിരം മേലോട്ടെഴുതിയല്ലാതെ, മേലിൽ നിന്നു കീഴോട്ട് ആജ്ഞ വന്നു സാധിച്ചു കൊടുക്കുന്നത് ഇവക്കു സുഖകരമല്ല. പലവിഘ്നങ്ങളും ഇവർ ഇടയ്ക്കുണ്ടാക്കും. കീഴുദ്യോഗസ്ഥന്മാർ മേലാവിൽ നിന്നും കിട്ടുന്ന ആജ്ഞയെ എങ്ങനെയും തട്ടിക്കളയാൻ വൈഭവമുള്ളവരായിക്കാണുന്നു. എന്നാൽ ചോദ്യമുപേണ ഗവർൺമെൻറിനെ ഇങ്ങിനെയുള്ള സംഗതികൾ പ്രതിനിധികൾക്കു അപ്പഴപ്പോൾ അറിയിക്കാൻ സാധിക്കുന്ന പക്ഷം പലഗുണങ്ങളും ഉണ്ടാകും. അധികചോദ്യങ്ങൾ വരുന്നതിനൊക്കെ മറുപടി പറയുക ഗവർൺമെൻറിനു കുറെ ഉപദ്രവകരമാണെന്നു സമ്മതിക്കാം. സമാധാനം പറയാൻ നിവൃത്തിയില്ലാത്തതിനു പറഞ്ഞില്ലെങ്കിലും തരക്കേടില്ല. എങ്കിലും പ്രതിനിധികൾക്കു ഗവർൺമെൻറിനെ അറിയിക്കാൻ സാധിക്കുമല്ലോ. ഇതു എല്ലാജനങ്ങൾക്കും പൊതുവെ ഗുണകരവും ഗവർൺമെൻറിനു കാര്യനടപ്പിനു വലിയ സഹായവുമായിരിക്കും. അതു കൊണ്ടാണ് ചോദ്യം ചോദിക്കാനവകാശം വേണമെന്നു പറയുന്നതു്.

ഇനിയും പ്രമേയം അവതരിപ്പിനുക്കുന്നതിന് അനുവദിക്കേണ്ടതിനുള്ള കാരണത്തെപ്പററി പ്രസ്താവിക്കാം. പ്രജാസഭയിൽഅധികം അനുദ്യോഗസ്ഥമെംബറന്മാരാണ. അതിനാൽ പ്രമേയങ്ങൾപൊതുജനങ്ങൾക്കുഗുണകരമായവമിക്കതുംപാസ്സായിഎന്നുവരും. അങ്ങനെപൊതുജനങ്ങളുടെ സാക്ഷാലുള്ളഹിതമറിയാം. ഏതെങ്കിലും പ്രമേയം വലിയദോഷകരമെ

ന്ന് ഗവർൺമെൻറിനു തോന്നിയാൽ പാസ്സായാലും വട്ടുകളയാമല്ലോ. എങ്കിലും കുറെക്കൂടി പൊതുജനാഭിപ്രായത്തെ വ്യക്തപ്പെടുത്തിക്കാണിക്കുവാൻ സാധിക്കും.

മേൽപ്രസ്താവിച്ച കാരണങ്ങളാൽ പ്രജാസഭയുടെ പ്രയോജനത്തേയും പൊതുജനപ്രാതിനിധ്യത്തേയും വർദ്ധിപ്പിക്കുന്നതിനായി വോട്ടർമാരുടെ കരംതീരുവയോഗ്യത ഒരു രൂപായായി കുറയ്ക്കണമെന്നും ചോദ്യങ്ങൾ ചോദിക്കുന്നതിനും പ്രമേയങ്ങൾ അവതരിപ്പിക്കുന്നതിനും സ്വാതന്ത്ര്യം നല്കണമെന്നുമുള്ള എൻെറ പ്രമേയത്തെ മാന്യന്മാരായ നിങ്ങൾ എല്ലാവരും അനുകൂലിക്കണമെന്നുള്ള അപേക്ഷയോടുകൂടി നിങ്ങളുടെ മുമ്പാകെ സമർപ്പിച്ചു കൊള്ളുന്നു.

MR. P. K. NARAYANA PILLAI (*Ambalapuza*): കരം കൊടുക്കുന്ന പ്രജകളെ നിയന്ത്രിക്കുന്നതിനു കരം കൊടുക്കാത്ത ജനവിഭാഗത്തിന് അധികാരം കൊടുക്കുന്നതു നന്നെന്നു വിചാരിക്കുന്നുണ്ടോ?

MR. TARIATU KUNJITOMMAN (*Mucattupuzha*): ഇല്ല. അധികം കരം കൊടുക്കുന്ന ന്യൂനപക്ഷക്കാർ കരം കുറഞ്ഞ ഭൂരിപക്ഷത്തെ നിയന്ത്രിക്കുന്നതു നന്നല്ലെന്നേ വിചാരിക്കുന്നുള്ളു.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I second the resolution.

PRESIDENT: Will you kindly move your amendment, Mr. G. Paramesvaran Pillai?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I beg to move the following amendment:

This Council recommends to the Government that they may be pleased to revise at an early date the constitution and powers of the Sri Mulam Popular Assembly on the lines indicated in the memorandum submitted by the members elected by this Council to serve on the committee appointed to revise the Draft Assembly Rules.

I must thank you, Sir, for permitting me to move my amendment to Mr. Kunjitomman's resolution.

I must preface my remarks—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I wish to know whether Mr. G. Paramesvaran Pillai proposes to put his resolution in the place of the original resolution or—

PRESIDENT: It is only as an amendment to the other resolution.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He is not wording it in that way. He can move it only as an amendment.

[President.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My resolution is being moved as an amendment to Mr. Kunjitomman's resolution.

I was, Sir, the Honorary Secretary to the non-official committee elected by the non-official members of this House to serve on the Assembly Rules Committee. That committee submitted a memorandum on the subject to the Government. This memorandum gives a fairly full and clear indication of the popular view regarding the issue and it is only proper that the recommendations of the representatives of the House elected to serve on that committee—

PRESIDENT: I should like to know exactly what the nature of the amendment is. The House too would like to know it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am substituting this as my amendment.

PRESIDENT: Yo cannot substitute your resolution as an amendment. If it should be an amendment, it should amend a portion of the resolution that has been moved by Mr. Kunjitomman. If you are going to substitute Mr. Kunjitomman's resolution entirely by your own, it will not be an amendment.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I have been permitted to move this resolution which has been ballotted as an amendment to Mr. Kunjitomman's resolution.

PRESIDENT: Amendments can only be amendments and cannot abrogate the entire substantial resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In order to avoid the difficulty, I addressed a letter to the Secretary to the Council and I have received his reply to the effect that my resolution which is coming lower down on the agenda may be moved as an amendment to Mr. Kunjitomman's resolution. It is on that authority that I thought I could move—

PRESIDENT: That is true. But an amendment implies that it should not altogether replace or displace the substantial resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is an amendment in this way. So far as Mr. Kunjitomman's resolution is concerned, it consists of three parts. To be specific, my own amendment seeks not only that these changes should be effected, but that further changes should be effected in the constitution and powers of the Assembly on the lines indicated.

PRESIDENT: More changes?

MR. G PARAMESVARAN PILLAI (*Neyyattinkara*): Yes.

PRESIDENT: So your amendment includes the points mentioned in the original resolution and adds other points?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It would be better if such other powers as are proposed to be added are specifically stated in the amendment itself.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My amendment will run thus:

This Council recommends to the Government that with a view to enhance the usefulness of the Sri Mulam Popular Assembly and in order to make it more representative the Assembly be given the power to interpellate Government and to move resolutions on all administrative measures as are indicated—

PRESIDENT: "As are *mentioned*" would be better.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkarai*): —as are mentioned in the memorandum by the non-official members elected by this Council to serve on the Assembly Rules Committee.

PRESIDENT: Then you would omit the words, "all persons paying a yearly tax of rupee one or more be empowered to vote and—"

MR. G. PARAMESVARAN PILLAI (*Neyyttinkara*): Yes, I would omit that portion.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I wish to know whether a substantial portion of the amendment can be moved for omission. In order that the House might be clear as to the scope of the proposed amendment, I would suggest that, instead of saying "such other powers as are mentioned, etc.", the powers be specified in the resolution itself.

PRESIDENT: That will be strictly in order. Will you kindly mention those powers, Mr. Paramesvaran Pillai?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, I can do that. My amendment is to omit the words "all persons paying a yearly tax of one rupee or more be empowered to vote" and add—

PRESIDENT: You include "and" also in the clause to be omitted.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkarai*): Yes, and add after "matters"

"That the Sri Mulam Popular Assembly be made a statutory body, that the Legislative programme for each year be placed before the Assembly for the general discussion of the principles of the Bills with power to record its opinion by means of votes, that, except in regard to matters relating to the ruling family of Travancore and in regard to the existing relations of the State governed by the treaty with the British Government, the liberty of the members be unrestricted in their choice of subjects, that all measures of new taxation, including increase of existing taxation, be voted upon by the Assembly, that resolutions passed by the Assembly when approved by the Council be binding on Government, that an opportunity be given to the Assembly for the general discussion of the budget, that officials be allowed to take part in the discussion but not to vote, and that the franchise be suitably widened".

[Mr. G. Paramesvaran Pillai.]

Sir, in regard to the recommendations contained in the memorandum, I feel bound to point out that they were arrived at unanimously among the members elected to sit on the Sri Mulam Popular Assembly Draft Rules Committee and that there has been substantial agreement with regard to most of these recommendations also on the part of the Deputy President who guided its deliberations.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, I must take exception to that statement. My friend states that I was in substantial compliance with most of the recommendations. If he says that, it would not be fair to me and fair to the House. I give my friend perfect liberty to use the views that I expressed on some of the points covered by the resolution. To say that there has been substantial compliance would not be a statement of fact.

MR. G PARAMESVARAN PILLAI (*Neyyattinkara*): Of course, subject to the observation made by the learned Deputy President, I would say that, in regard to some of the recommendations set forth herein, there has been complete agreement on the part of the Deputy President with the other members who sat on that committee. I could refer to them in detail by quoting from a letter which contains that unanimous agreement. In the memorandum submitted by us, only the general principles have been referred to as was inevitably the instance.

The Assembly is now twenty years old and it would be superfluous for me to refer in this Council, which contains several veteran members who have done good work in that popular body, to its usefulness in the past or urge the need for its reform in the future. These are matters on which more or less complete unanimity prevails. The Draft Rules have been condemned as unsatisfactory throughout the press of the country and on public platforms. A meeting of the citizens in the Capital went, in certain respects, even farther than the modest demands made in the memorandum. The authors of the memorandum did not claim any originality for their proposals. And if they were inspired on the one hand by the Montagu-Chelmsford Reforms and by the Mysore Seal Committee Report, they were on the other hand supported in their recommendations by the considered views expressed in the Assembly and elsewhere by distinguished men. It should be granted that the members of the Assembly Commitee gained considerable support for the position they took in the representations made, among others, by my friend Mr. T. K. Velu Pillai at one of the recent sessions of the Assembly. Inasmuch as the committee felt bound to focus public opinion, they were guided in their recommendations only by such opinions; and my amendment mentions only those points on which there has been complete unanimity in the committee itself. The letter dated the 25th March, 1923, addressed to the Chief Secretary to Government by the Secretary to the Committee, says that a meeting of the committee was held on the 25th March, 1923, and that the committee are of opinion

that the Assembly should have the power of discussing the State Budget before its introduction into the Legislative Council and that it is also desirable to empower the Assembly to put questions and move resolutions on matters of public interest.

In regard to the right of interpellation, moving resolutions and the general discussion of the budget, the learned Deputy President was at one with the other members of the committee; and in regard to the other matters contained in the memorandum all the five non-official members elected by this House were unanimous.

Now, Sir, our idea is to have two Houses with definite, and to a large extent, distinct functions; and as far as the work assigned to us permitted it, we have elaborately set out the reasons for widening the work of the Assembly in the memorandum. In order to make it public, it has been printed and copies have been circulated among my friends on this side of the House.

The Mysore constitutional reforms recently announced considerably support the demand for expansion of powers. No doubt, between Travancore and Mysore there is a difference. In Mysore, the Assembly is an older institution, while here the Legislative Council preceded the Assembly. Nevertheless, the limitations that are imposed by the provisions of the constitution of the Council make it imperative that we should have side by side two popular bodies with larger representation which will serve as a real index of popular feelings. I would only remind the honorable members on this side of the House that they have now no powers whatever either to suggest or to alter or to indicate any alteration in the constitution and powers of this very Legislative Council; and further, in regard to such important measures as the constitution of an Executive Council and the consideration of matters relating to harbours and similar subjects of vital importance, this Council has absolutely no power. On the other hand, it is noteworthy that in the Assembly similar questions of vital importance have been very boldly advocated and discussed by members and there were opportunities for the views of the people or their representatives being placed before the Head of the Administration.

Further, here we are in an anomalous position. For, the Head of the Administration, although he is the President of the Council, is not entitled to explain the measures and the policies of the Government unless he chooses to explain any matter that relates to any resolution before the House when it is being put to the vote.

People gratefully recognise that His Highness the Maha Raja has been very generous in the grant of popular rights. The Legislative Council, the Assembly itself, and the municipal councils mark in different degrees the willingness of His Highness' Government to seek and profit by the participation of popular representatives in the task of administration. The high standard of literacy, the general level of culture and the good work done by these popular bodies constitute irrefutable cases for the granting of more rights.

[Mr. N. Ramakrishna Pillai.]

No doubt, we are in the middle of the first triennium of the expanded Council. It might be argued that it is too early to ask for more powers. My reply is that we were marking time for some years past, and that in these matters progress cannot be judged by the mere lapse of years. There are periods during which for one reason or another a wave of tremendous popular enthusiasm surges through the country. My contention is that the reforms which might have satisfied us two years ago are proving inadequte now.

The reform of the Assembly cannot be taken by itself. The demand for responsible government has been insistent for some time and the need for an Executive Council has been urged. In short, the constitution of the Assembly has to fit in with responsible government which might soon be evolved.

This is a matter in which this Council has a special duty. There is no gainsaying the fact that this Council is due, in a very large measure, to the representations made in the Assembly and it is only proper that this Council should repay its debt of gratitude by seeing that the powers of the Assembly are not attenuated or its usefulness impaired. For these reasons, I would recommend my amendment for the acceptance of the House.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I have very great pleasure in seconding the amendment. I understand that the mover of the amendment was one of the members of the committee who recommended to the Government that, under the terms of reference made by the Government, they were entitled to go into the question of the reforms recommended by the resolution and the amendment before the House. This is a question of very great constitutional importance. One of the popular institutions in the country is the Sri Mulam Popular Assembly. It has been sufficiently long in existence and it has taken such deep root in the minds of the people that it is too late in the day now to say that no reforms need be introduced in the constitution of the Assembly. There had been a question with regard to the interpretation of the terms of reference made by the Government. It appears that the committee were of opinion that under the terms of reference, they were entitled to go into the question.

PRESIDENT: How is this relevant to the resolution or the amendment?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): That arises with reference to the amendment.

PRESIDENT: It does not arise. You have got to discuss the merits of the amendment now.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I was speaking about the terms of reference because two questions arise for discussion in this connection. First of all, there is the question whether the recommendations made by the committee are correct or whether they were entitled to make these recommendations. What

recommendations were made by the elected members and whether the merits of the recommendations should be considered in this connection, is the question.

PRESIDENT: That is the point—the merits only.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): To explain the merits, I cannot but go into the question.

Anyhow, the question remains whether the reforms should be introduced in the constitution of the Assembly itself, and the reforms suggested are that the Assembly should be constituted on a statutory basis and that more powers and privileges should be given to the Assembly in order to make it more useful to the people. In view of the sufficiently long existence of the institution, I think it is absolutely necessary that the Assembly should be recognised by statute and powers given in order to make it more useful to the Government as well as to the people. The recommendations made by the committee had the approval of the public as seen by the representation made outside this Council and in the Popular Assembly itself during the last session in 1922. In view of the importance of the question brought before this Council, I believe the various aspects of the matter will receive sufficient consideration at the hands of the Government; and I hope we shall be in a position to come to a satisfactory conculsion after the discussions on both sides of the house are heard. With these observations, I support the amendment moved by Mr. Paramesvaran Pillai.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I oppose the proposition of Mr. Kunjitomman for the reason that it seeks to put some persons on a ground of vantage while refusing to other sections of the people the right valued by Mr. Kunjitomman himself. He desires that the franchise should be extended to all those who pay a land revenue of one rupee per year. When I asked him a question whether the holders of land registered some years back who pay only one fanam per acre might get the benefit, Mr. Kunjitomman assured me that he would certainly be delighted to extend that privilege to them; but the resolution does not justify that view. If, Sir, a person who gets land registered this year and pays an annual tax of one rupee should get the privilege of electing a representative to the Sri Mulam Popular Assembly, one who has been paying tax during the last twenty-five years and who has been working the land to the advantage both of himself and of the State should certainly be given the right with greater readiness. Moreover, in Travancore, there are communities—the Brahmin, the Nair, the Ezhava and some Christians and Mahomedans and a good many other people—who live under the joint family system. According to the arrangement of the Revenue Department, it is only the head of the family which pays the tax that is entitled to vote although the property of the *tarwad* belongs to all. If Mr. Kunjitomman, in advocating the extension of the franchise to all those who pay an annual tax of one rupee, had also advocated some system by which the members of such *tarwads*

[Mr. T. K. Velu Pillai.]

and families may also get adequate repesentation, I should have perhaps welcomed the idea. Mr. Kunjitomman wanted universal manhood, and speaking in the twentieth century perhaps, universal womanhood suffrage. Therefore, Sir, the proposal is defective and, for that reason I oppose the resolution.

With regard to the amendment, I confess, I am in a particularly delicate and difficult situation. Mr. G. Paramesvarn Pillai has, with great generosity, singled me out for praise and has classed me in that distinguished group of public men who have agitated for the reform of the Sri Mulam Popular Assembly. Sir, I am very sorry to use the first person, but in this case I am obliged to do so, because my friend has called my attention to my humble work. I have been for years a member of the Sri Mulam Popular Assembly and I have had the benefit of sitting in the Assembly along with several distinguished men, many of whom I see in this Council itself. I have had occasion to sit in that Assembly when it was presided over by several Dewans of great reputation and ability; and I may claim, Sir, that in the discharge of my duty as a member of the Assembly I have always asked for greater and greater privileges being conferred upon His Highness' subjects. As has been observed by Mr. G. Paramesvaran Pillai, in the 1097 session of the Popular Assemby, I criticised the Draft Rules, and the Dewan-President was pleased to say that the Draft Rules would be scrutinised in the light of the criticisms made by the members. I had also occasion to preside over an important conference held at Trivandrum some time back, and in that capacity I asked for larger rights being conferred upon the Popular Assembly. No time, Sir, will come when I or any of my friends, who have been advocating this, would retrace our steps. The Assembly has been brought into existence as a mark of royal generosity. I remember the time when the Assembly session used to be a matter for jubilation not only for the people in Trivandrum but for people throughout Travancore and even beyond our State. I have been several years a member of the Assembly and I for one have got a very great partiality for it. I shall not be a party to place the Assembly in a lesser position than this Legislative Council, although I have had the privilege of sitting in this Council also more than once.

But, while emphatically of opinion that the time has come when His Highness' Government should consider the question of the reorganisation of the Assembly, of putting it on a statutory basis and conferring upon it greater and more substantial powers, I must yet observe that I am unable to accept the amendment because the amendment does not convey to me clear ideas of reform. Allusion has been made to the memorandum forwarded to the Government by my esteemed friends of this Council who had been elected by ourselves to sit on the Assembly Rules Committee. I have had occasion to see it published in the papers, and this morning Mr. G. Paramesvaran Pillai handed a copy of the memorandum over to me. But whether I am familiar with the contents of

this memorandum is not the question to be considered. We formally elected our representatives to sit on a committee. That committee has not formally forwarded a constructive scheme to the Government. If such a scheme has been forwarded to the Government, the Government have not informed us of what has been done.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether that committee now exists or not?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): To my mind, it does not exist. I remember to have seen in the papers that the members of the committee have resigned. The question put by Mr. P. K. Narayana Pillai complicates the issue still further. If the Government had been pleased to place before this Council this valued memorandum, if the Secretary of that committee or any member of it had *formally* forwarded the memorandum to this House—of course, I do not say that it is the best way of doing the business—we should have been able to consider that question in some detail. That has not, however, been done. When, Sir, a proposal is made that we should take our stand—

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): വോട്ടവകാശത്തിനു എത്ര രൂപാ കരംവേണമെന്നാണ് മിസ്റ്റർ വേലുപ്പിള്ളയുടെ അഭിപ്രായം?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I will answer him in the end after I finish this subject.

PRESIDENT: அவர் முடிவில் பதில் சொல்லுவார்.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഒരു രൂപാ എന്ന് എന്റെ പ്രമേയത്തിൽ പറഞ്ഞിരിക്കുന്നതിനോടു യോജിക്കുന്നില്ല എന്നു പറഞ്ഞതുകൊണ്ടു ചോദിച്ചതാണ്.

MR. T. K VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall answer him now, although it is irrelevant to this part of the discussion.

PRESIDENT: No, not now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I bow to the ruling of the Chair.

PRESIDENT: I do not think it arises now. You may answer him in the end.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): To continue the subject, if that had been done, my position would have been easy. We are now invited to take our stand on a document the constitutional position of which is not clear.

PRESIDENT: Mr. G. Paramesvaran Pillai has stated exactly what the amendments are.

[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. G. Paramesvaran Pillai has made allusions to the memorandum. Therefore I am referring to it. Mr. G. Paramesvaran Pillai has subsequently stated the particular points which he wants to emphasise. He alluded to Mysore where a similar scheme was under contemplation.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): The Mysore Reforms have recently been announced.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): He referred to the Seal Committee Report and therefore I say "under contemplation". I too read in the papers that a scheme has been promulgated by His Highness the Maha Raja of Mysore. I have been reading it up just now and I find that there is not much of co-ordination between the Assembly and the Council in Mysore.

It is not open to me, Sir, to criticise in any detail the promulgation of a law issued by one of the greatest princes of India. All that I wish to say is that the measure does not give us very clear ideas with regard to the way in which the Assembly is to be reformed. I have been looking forward to a scheme by which the work of the Assembly may be co-ordinated with that of the Legislative Council. Then, there is the question of interpellation. My friend Mr. G. Paramesvaran Pillai has observed that there is no perceptible originality in what the memorandum has laid down. That argument has been advanced by him to show that the position taken is a strong one. I accede to that argument. There is no necessity to give fresh powers of interpellation. The opinion expressed by Mr. V. P. Madhava Rao, our celebrated Dewan, has been quoted by me in one of my representations to the Assembly. I do not, therefore, repeat it now; but there is this to be remembered that while the Assembly was in session no man thought of resorting to an interpellation even after that. I am not aware of any instance in which Government refused to take note of questions put to them. With regard to resolutions, I am at a loss to find out what is the binding force of a resolution passed by the Assembly. It is at the most a recommendation. Suppose the Assembly makes one recommendation and the Council makes another. Who is to decide?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I suggested that the resolutions passed by the Assembly when accepted by the Council should be binding upon the Government.

MR. T K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I speak in full knowledge of the view put forward by Mr. G. Paramesvaran Pillai. Suppose there is a tie arising between what the Council does and what the Assembly does. Who is to decide the question? I shall be the last person to advocate that the Government should be given that power. That will be creating a kind of dangerous autocracy in deciding disputes between the Assembly and the Council, the effect of which will be to put the Government on a most autocratic basis. For this reason, I object to that.

In the Mysore scheme which I have just referred to, I find that the Assembly would have the right of generally discussing the budget. But they have no right of voting upon any particular item of expenditure. To tak a practical case, Sir, the Assembly may pass a resolution that higher education ought to be encouraged. The Legislative Council will at once chime in with the scheme and a resolution even may be passed that higher education should be encouraged at all costs. But if, in the budget discussion, adequate provision for education is not made and if the Council cannot be persuaded to accept expenditure on educational buildings, the so-called general discussion by the Assembly loses all its force; and although the expression 'general discussion' of financial measures in the Assembly would certainly be a cheap ornament to the pages of the Statute Book, I think it will not give any substantial advantage to the State.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether Mr. Velu Pillai would be in favour of giving the Assembly more powers than even the general discussion in regard to the budget.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I may say, Sir, that I have considered the point. It is one of the most difficult questions to be decided; and during the last ten years, I have been looking forward to some great scholar or thinker who would come forward with a scheme which would satisfy all demands. Personally I have not thought out a scheme—at any rate, a scheme, which I may place before this Council seriously for acceptance. I am not speaking now of my endeavours to create a constitution, but I am only talking on the motion before the House. The motion before the House is deficient, because clear ideas of co-ordination between the work of the Assembly and the Council are lacking. I am jealous of the functions of either the Council or the Assembly being usurped by Government, because I think that the cause of democracy, which has been encouraged by His Highness the Maha Raja, should still further be encouraged, and because I do not want that the executive should be armed with power to create a split practically between the Council and the Assembly. I think it is my duty to oppose this resolution.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether Mr. Velu Pillai is agreeable to powers being granted in regard to the moving of resolutions on subjects which are eschewed from the province of the Legislative Council.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Certainly, I want greater powers to be given to the Assembly than have been accorded to the Legislative Council. I have myself been discussing in the Assembly questions which may have to be excluded from the Legislative Council. The Assembly has no such severe limitations to its powers. We have been speaking on various questions and the Government have not always come forward to say that we should not speak on religious and charitable institutions and such other subjects,

[Mr. T. K. Velu Pillai.]

Therefore, I am in favour of larger rights being conferred upon the Assembly. According to the present rules, there may not be a binding force upon the Government as regards the decisions which may be arrived at by the Assembly. But I daresay that His Highness' Government will, in consultation with officials and non-officials and the country in general, be able to devise a scheme which will satisfy all our legitimate and just demands.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether Mr. Velu Pillai would give us some idea of those larger powers which he is desirous of giving to the Popular Assembly?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I have already pointed out that I am speaking only on the resolution and the amendment now before the House. I do not claim for one moment the distinction of being an architect of constitutions. It is a very difficult matter. (*Laughter.*) I have made some study and have thought about the matter and I have also tried to benefit by the ideas my esteemed friends have given to the world. All the same, Sir, I do not feel I am a competent hand at constitution-making. If I come forward before the House with a resolution on the subject, if I lay before the House a scheme which I request you to accept and which is satisfactory to my ideas and which may be satisfactory to my friends, I shall be happy to do so. But at present I am not able to do so. That is, however, a different matter.

PRESIDENT: Time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I have to point out one further fact. I shall not be a party to make the Assembly a hand-maid to the Legislative Council. I find in the Mysore Rules that the Assembly may send a few representatives to the Council. That means the Assembly is placed in a position of subordination.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that the amendment does not contemplate any such change?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am speaking on the general aspects of the motion. I hope it is perfectly relevant.

PRESIDENT: I would draw your attention to the time-limit.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall not take much time. I do not want the Council to be a superior body and the Assembly a subordinate one. The Assembly has done a lot of work and many of my distinguished countrymen have sat in the Assembly. Government have been profited by the deliberations of the Assembly. By that I do not mean that the Council is not doing any efficient and good work. The Council is doing very efficient and very good work. Otherwise, I would not think of coming and sitting here. (*Laughter.*) But what I say is that the Assembly should not be put in a position of subordination. It is a glorious heritage that we have had. His Highness has granted it unasked. It has been looked up to

by the whole people of India and by successive Dewans with favour. The franchise for the Assembly is fixed at Rs. 50 while the Council franchise is Rs. 5. I am not at all in favour of the view that, in any scheme that may be devised for the improvement of our constitution, the Assembly should be placed in a position of any kind of direct or indirect subordination.

I am for reforming the Assembly, but I am not prepared to say that I can take my stand on a memorandum which is not formally before this House; nor am I able to accept particular details given by the mover with regard to reconstruction, because the element of co-ordination, the means by which the interference of Government may be prevented, the means by which the tie between the Assembly and the Council may be averted—these are not provided for. For that reason, I am not satisfied with the present scheme. I, therefore, oppose the resolution and hope that my friend Mr. G. Paramesvaran Pillai will in the very next session of the Legislative Council come forward with a really good and useful scheme which every patriotic Travancorean might be able to accept.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether he will himself be prepared to do it?

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): One question is not answered by another. Perhaps I may entertain an intention to do it, but I am not prepared to give my friend any assurance.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): വോട്ടവകാശം കുറഞ്ഞത് എത്രരൂപാ കരമുള്ളവക്കു കൊടുക്കണമെന്നാണ്?

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): പെട്ടെന്ന് ആ ചോദ്യത്തിനു മറുപടി പറയാൻ പാടില്ല. ആ വിഷയത്തെപ്പററി ഗാഢമായി ചിന്തിച്ചിട്ടുണ്ട്. എന്നാൽ തീർച്ചയായ ഒരു അഭിപ്രായത്തിൽ എത്തീട്ടില്ല.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഇപ്പോഴുള്ളതിൽ നിന്നു കൂട്ടണമെന്നുണ്ടോ?

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): ഒരിക്കലും ഇല്ല.

Mr. TARIATU KUNJITOMMAN (*Muvattupuzha*): കുറയ്ക്കണമെന്നാണോ?

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): അതെ, കുറയ്ക്കുകയാണ് വേണ്ടത്.

Mr. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether Mr. T. K. Velu Pillai will be able to indicate his views in regard to the line of reform that is desirable?

PRESIDENT: He has already said that he is not prepared.

[Mr. K. C. Mammen Mappillai.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): My friend Mr. G. Paramesvaran Pillai referred to documents which are not formally before the House. I may also refer to the reports of the Assembly containing the speeches of very distinguished men. If I think of moving a resolution on the subject with the advice of my non-official friends, I may be able to formulate a scheme. I concede it is a very difficult question; and unless clear ideas are placed before us I shall not be able to support the proposition.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is he opposing both the resolution and the amendment?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Yes, I oppose both.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, I have been also a member of the Sri Mulam Popular Assembly for several years under successive Dewans. I have got a high opinion about the services rendered to the public of Travancore by the Sri Mulam Popular Assembly. What may be described as some kind of public opinion which may be taken into account by the Government was brought into existence only after the Sri Mulam Popular Assembly was inaugurated by Mr. V. P. Madhava Rao. Therefore, I for one am not prepared to say a word derogatory to the services of the Assembly; but in view of the fact that the Legislative Council has been recently expanded and made more useful and influential as my friends have already pointed out, very largely through the re-iterated representations of the Sri Mulam Popular Assembly members, I cannot reconcile myself to the perpetuation of a system in which the two assemblies will be often brought into conflict. As Mr. T. K. Velu Pillai has again and again been saying, it is a very difficult subject for any one to talk about. At the same time, one has to say what one honestly feels at this juncture. I have not understood any of my friends to say that the Assembly should be a more important body of men with regard to the functions assigned to it than the Legislative Council. The Legislative Council is designed to have a continuous existence, holding several sessions in the year, each session lasting for several days and transacting the business of legislation, criticism, etc , with very close scrutiny and continuous application. At the most, the Assembly is intended to focus public opinion and to pass resolutions to indicate the general trend of opinion in the country. We are all satisfied that the Legislative Council has not yet attained perfection. We are desirous that some of those subjects which have been removed from the purview of the Legislative Council should be brought within the scope of the subjects which the Legislative Council can discuss and pass resolutions upon; and we are also anxious that there should be some kind of responsibility towards the Legislative Council on the part of the executive. We hope that, as a natural result, as a natural development of

the Legislative Council, an Executive Council will be brought into existence in the near future to which some members at least may be elected by the Legislative Council. Such being the case, if we try to develop the Assembly also along the same lines, I cannot see how we can avoid a good deal of overlapping of functions, conflict of views between the two Houses and waste of time and money. The only way in which a popularly elected Assembly can logically develop is along the lines of the House of Commons. I have been reading a good deal of literature on the development of the Mysore Assembly and other similar institutions. I think people have been beating about the bush to some extent about these matters. The development of these bodies is in some measure tending in the direction of the Legislative Council and the Imperial Parliament. If that is the case, eventually it will result in the formation of a bicameral system of legislature, just like the House of Lords and the House of Commons, and also other two-chamber governments in various other western countries. Now, whether such a bicameral system is desirable here is a doubtful point. I remember Mr. Asquith, one of the greatest authorities on constitutional questions and about whose liberalism, about whose popular sympathy, there can be no question, saying deliberately that he was not in favour of a bicameral parliamentary system. The House of Lords came into existence in the evolution of the British Constitution and nobody could get rid of that. Therefore, an attempt was made to clip its wings and to evolve order out of the chaos created by the constant conflict between the two chambers. Now, if that is admitted, I do not think it is desirable for us also to go in the direction which will eventually land us in the evolution of two chambers with co-ordinate powers. One principal object in view in desiring a second chamber—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that my amendment does not contemplate the giving of any legislative or formulating power to the Sri Mulam Popular Assembly?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): It does not; but I hope I am at perfect liberty to develop my argument in my own way. I do not say that Mr. G. Paramesvaran Pillai contemplates any such arrangement. If I am out of order, I hope the President will point it out, and I shall be ready to withdraw this statement.

PRESIDENT: Anyway there is a proposal to confer some such power on the Assembly because the amendment says that a resolution passed by the Assembly if accepted should have binding force upon the Government.

MR. K. C. MAMMEN MAPPILLAI: (*Commerce and Industries, North*): One principal object, I say, is that the first chamber, the popular chamber, having unlimited powers given to it, and liable in a gust of passion to enact far-reaching and subversive measures which, on second thoughts, they themselves may withdraw or modify, may be

[Mr. K C. Mammen Mappillai.]

curbed in the exercise of its powers by a second chamber so that the first chamber may have time to pause and come to a deliberate decision. In Travancore, there is no such danger looming even in the distant future. We are all of us conscious that the powers of the Legislative Council are considerably circumscribed and it depends upon the Government as well as upon the behaviour of the members of the successive Legislative Councils, to what extent greater powers are to be conferred upon it. Such being the case, it seems to be obvious that there is no necessity for bringing into existence a second chamber to prevent any hasty legislation or any violent measures being rushed through by the Legislative Council. That is a consideration which would have appealed to me, but which does not apply to conditions existing in, or looming in the distant horizon of Travancore.

Now, another consideration which weighs very much with me is this. We know that the President has often remarked, and the members of Government have often complained, that a session of the Legislative Council involves the President, the Secretary, and the various heads of departments in a very heavy expenditure of labour and time. Each session of the legislature means immense preparation before the Council meets. We were rather dissatisfied that we were not having as many sessions of the Legislative Council as are necessary and would be desirable. The President explained that it was not because he did not also desire it, but because, owing to pressure of business, it was not possible to do anything more than what was done. Since the functions and scope of the Legislative Council have been widened, the work of the officers of Government and the Head of the Administration must have considerably increased. If the functions and scope of the Popular Assembly are also increased the strain must inevitably become greater. We all know that, as it is, each session of the Assembly involves very heavy labour and trouble for the members of the Government and also considerable expenditure. I cannot view with equanimity any aggravation of these necessary evils. Such being the case, I would say: "Either abolish the Legislative Council and give all the functions which you all consider necessary to the Assembly, if necessary, giving it any other name; or try your best to see that the Legislative Council becomes as perfect a body as you can make it." I cannot reconcile myself to the wisdom of cumbering such a small country as Travancore with two representative assemblies. I should prefer that the one or the other is done away with.

But the Assembly has come into existence, and I do not think it desirable that we should go back on what has already been done, and, therefore, the Assembly may be allowed to exist *as it is*, without further development of its scope but with such minor changes as experience has shown to be necessary for making it more representative and less cumbersome. I was content with most of the draft rules published by Government for the reorganisation of the Assembly.

That is my personal view of the matter, howsoever unpopular it may be. I advocate this view not because I am a member of this Council nor because I have any hope that I shall be a perpetual member here. I have had the honor of representing the people in the Assembly and I hope I may again be privileged to represent some constituency in the Assembly. But, as a citizen of the country, as a disinterested observer of the development of the constitution, I strongly feel that any further expansion of the Popular Assembly will not be conducive to efficient administration. I do not deny that the desires and wishes of the people should be understood by the executive. That is the one important function of the Assembly. This function is now being discharged by the Legislative Council also. Besides, it is inadvisable to push too far in any one direction at the sacrifice of other equally important matter. The ordinary routine work of the administration also has to be very carefully attended to. After all, it is there that the administration justifies itself. There are lakhs and lakhs of people whose wants have to be attended to and whose grievances have to be redressed. So many cases have to be considered carefully and decisions arrived at. Now, if the demands of these elected bodies are increased, it goes without saying that the attention of the executive will be diverted from other equally important work. That is a state of things which, I am sure, nobody would desire to bring about. Therefore, personally, I should think that the Assembly should be allowed to remain as it is, and that all possible measures should be adopted to perfect the machinery and improve the scope and function of the Legislative Council.

MR. TARIATU KUNJITOMMAN (*Murattupuzha*): വോട്ടവകാശത്തെപ്പററി എന്താണ് അഭിപ്രായം?

PRESIDENT: He has not said anything about that.

MR. PAUL V. DANIEL (*Agastisvaram*): Sir, my friend Mr. G. Paramesvaran Pillai wants, among other things, that the Assembly should be given the power of discussing the budget before its introduction into the Legislative Council, that it should be given the power of putting questions and moving resolutions on matters of public interest, that resolutions passed by the Assembly when approved by the Council should be binding on the Government, and that all measures of new taxation should be voted upon by the Assembly. To me it appears, Sir, that the adoption of these reforms would be to strike at the very root of the constitution of the Government and to trespass into the domain of the prerogative of the sovereign. If such a thorough change is found necessary, it shall have to come as a gift from the sovereign. Further, these reforms, affecting as they do not only the constitution but also the functions of the Assembly, necessitate the presence and participation in the Assembly of official members. Even as matters stand at present, it is said that the ordinary work of the various departments suffers to some extent owing to the time taken by the staff in the preparation of statements and answers to the numerous questions that are asked by this side of the House.

[Mr. Paul V. Daniel.]

MR A. HOOGEWERF (*Nominated*): Did not these questions serve to improve the Government?

MR PAUL V. DANIEL (*Agastisvaram*): Certainly. If the powers of interpellation and moving resolutions are also given to the Assembly, the strength of which is treble that of this side of the House, it will not, as matters stand at present, serve any good purpose and will only embarrass the Government, taking into consideration such facts as the very large number of questions that may have to be answered, the resolutions that may have to be discussed, the length of time that would be necessary to discuss them, the extra cost that may have to be incurred in this connection and various other consequences that would arise therefrom. I think, such reforms as, "that resolutions passed by the Assembly when approved by the Council should be binding on the Government," and "that all measures of new taxation should be voted upon by the Assembly," would, if adopted, completely change the present constitution of the Government; and, as I have already observed, this ought to come by way of a gift from our sovereign. Sir, I do feel with the learned members of the committee when they say that—

"The name of His Highness the Maha Raja is indissolubly connected with the Assembly, and sentiment which plays a large part in human affairs requires that it should not be whittled down or reduced to a postion of comparative impotence".

But, as for this, Sir, I fail to see whether there exists any useful institution in Travancore which is not virtually indissolubly connected with the name of our beloved and revered sovereign, His Gracious Highness the Maha Raja of Travancore. All that I want, Sir, is that due respect should be paid to the prerogative of the sovereign.

Sir, before one advocates the opinion that the Assembly should be reformed on the basis suggested by the learned members of the committee, a careful and thorough study of such questions as the following is absolutely necessary. Whether under the existing circumstances, the enlargement of the powers of the Assembly would serve any useful purpose or would only embarrass the Government; whether the existing state of affairs would justify the introduction of two chambers in the State of Travancore; whether such chambers existing in countries elsewhere do really turn out good work; whether we require a second chamber to support or correct this chamber; whether we should not work the reformed Legislative Council sufficiently long to see how best its defects might be cured by reforming the Assembly; and whether, now, Dewan Mr. V. P. Madhava Rao or any one else would support the views of the learned members of the committee, in consideration of the present constitution of this House and other circumstances existing at present in Travancore—these and similar questions have to be studied thoroughly with great care and caution. I do not, for a moment, say that the draft revised rules are perfect and do not admit of any change alteration or addition. Such changes as would not interfere with the

present constitution of Government and would be really useful to the public at large should, by all means, be introduced.

One thing which is really wanted is an enlargement of the franchise for election to the Assembly and this is one of the most important requests repeatedly made by several members of the Sri Mulam Popular Assembly. A study of the various members elected to the Assembly from year to year would go to show that people of certain communities, interests or opinions invariably predominate.

The Assembly was created by notification for a special purpose' We have to see if that purpose is being properly served. If not, we should concert measures only to improve it.

I am therefore of opinion that the resolution would have been acceptable if it had been worded thus :

> "This Council recommends to the Government that they may be pleased to revise at an early date the constitution and powers of the Sri Mulam Popular Assembly taking into consideration the views of the members of this House and the public at large."

REV. FR. KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): Sir, every one admits that the Assembly has been doing very useful work; but the present franchise under which only those who pay a tax of Rs. 50 and more could vote for the Assembly, is indeed too high, and to a considerable extent, it frustrates the scope of the Assembly, which on account of this restriction is not sufficiently popular nor representative. Therefore, to make the Popular Assembly a really popular and representative institution, the franchise must be widened as far as possible. I do not think it will be too much to request the Government to extend the franchise, as the mover says, to all persons paying a yearly tax of one rupee. I would heartily support this part of the resolution,

But, I do not stand for the other powers being given to the Assembly. Now, this reformed Council has been given powers of interpellation and of moving resolutions and other ample powers, and very free use of them is being made here. To confer the same powers on the Assembly would mean duplication of work. I am one with Mr. Mammen Mappillai in saying that that would mean additional expenditure and involve dislocation in the work of administration with no corresponding benefit. Therefore, if the democratic desire of the people is not satisfied by the powers conferred on the Legislative Council, I would suggest that more powers be given to this Council, especially in the matter of allowing more time to non-official business, so that ample opportunity may be granted for the exercise of these powers. With these remarks, I oppose the other portions of the resolution.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartigapalli*): Sir, this is one of the most important propositions we have had before the House. Its purpose is the formulation of a constitution for Travancore. We have now two bodies - one termed the Sri Mulam Popular Assembly which has been brought into existence by the executive and, which, we

[Mr. S. Krishna Aiyar.]

may say now, lives under sufferance. We have also a Council—a statutory body with definite powers. Comparing the powers, work and functions of the two bodies side by side, we find that the utility of the Assembly has gone, as the one is merged in the other. Taking the question of franchise alone, the number of voters for the Assembly who pay a tax of Rs. 50 and above, as against the number of voters to this Council who pay a tax of Rs. 5 and above, is so arranged and the latter is so large that the electors to the Assembly are merged in the larger number of electors to this Council.

Secondly, so far as the powers or functions are concerned, the unction of the Assembly is only that of making representations. In the Council, we have certain powers of control over finance, over legislation, and we have also the power of initiating resolutions and bringing them forward in such a manner that the Government will be bound by them. Thus, a similar function of making representations has got dissolved or annihilated into the larger powers that we now enjoy in this Council. I may also submit that the power or position of the President in the Assembly is extremely delicate. The representations made in the Assembly mainly converge on finance. The control of the purse, at least theoretically, vests in this Council, and the President of the Assembly is not. herefore, competent to do anything in the way of granting the representations made in the Assembly. The proper body or individual to preside over the deliberations of the Assembly is the Legislative Council, because the Legislative Council has the control of the purse and it alone can act or refuse to act in respect of the representations made, most of which converge on finance. Therefore also the function of the Assembly is practically gone.

We have now two bodies elected by the people, a larger body to make representations and a smaller body to act. Thus reviewing the position as they are now, we find no function for the Assembly.

The only question left to us is whether we have to give it its final quietus or whether we have to mend it. Mr. Mammen Mappillai has given us a learned disquisition as to the difficulty of working the two bodies—the bicameral system—in a small State like Travancore. It will not only be difficult; it will be extremely unnecessary to have two popular bodies side by side with possibly similar or parallel powers. If one body is subordinate to the other, then the subordinate body is superfluous. There is nothing to be gained in retaining a superfluous body that has outlived its usefulness. Outside Travancore also, two bodies working side by side have not been producing very desirable results. I may instance the case of the Council of State and the Legislative Assembly elsewhere. Even in respect of the House of Lords, the best opinion at the present day seems to be that it is time that the House of Lords were ended. After all then, so far as the present position goes, it is only a matter of popular sentiment as to whether the Sri Mulam Popular Assembly should not be allowed to continue. It cannot

do any useful work under the present arrangement. If so, I put the question, what is to be gained by making it a statutory body unless it has definite functions and duties to perform? There is no use in retaining it for the sake of public sentiment.

Mr. Paramesvaran Pillai has given us a number of ideas whereunder useful powers might be given to the Sri Mulam Popular Assembly. The first one that he mentioned was in the words of the memorandum: "Foremost amongst our suggestions is that the Assembly should be a statutory body." Now, why should it be a statutory body unless it be for a definite programme of work? The functions he wants the body to do are contained in the following items in the programme. He says:

"The legislative programme for each year should be placed before the Assembly for the general discussion of the principles of the Bills, with power to record its opinion by means of votes, and such opinions shall be communicated to the Council."

Now, so far as this function goes, it appears to me that the Popular Assembly is to be a mere discussing body, a sort of conveyance to the upper or more important House. I do not see how a mere discussion of any measure is going to benefit anybody.

The second point that he urges is:

"The Assembly shall have also the right to be consulted before any measure, not included in the legislative programme or passed by the Council, is submitted for the sanction of His Highness the Maha Raja."

With such a sweeping, indefinite and vague general statement, it is impossible for one to exactly postulate the contingency illustrating where any such powers may be used. I find it so very vague that it is impossible to say what it might or might not include.

The third point that he refers to is that the Popular Assembly members should not be restricted in their choice of subjects. The choice or discussion of subjects depends only upon the function that may be usefully performed. Really it is only a subsidiary matter. If useful work can be done, then we need not care much for the choice of subjects.

Then he says:

"All measures of new taxation, including increase of existing taxation should be voted upon by the Assembly, particularly as in regard to taxation the Legislative Council has but a feeble voice."

I think this is the most important item in the programme that is delineated to the House, *viz.*, that the right of taxation, or the right to impose new taxes, as he puts it, must vest in this popular body. In a consideration of the future constitution of Travancore, it would not do for us to consider these matters off-hand. Months of study and serious thought are necessary to enable one to make a workable programme as regards functions or duties to be discharged by popular bodies. In Mysore there are two bodies sitting side by side. With due deference, it may be said that they are not doing very satisfactory work. It may be that we are carried off by what we see in public

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papers; but after all we do not find that any definite duty is discharged by the two bodies that have been created.

The next item that you find is:

"Resolutions passed by the Assembly when approved by the Council should be binding on Government."

There we find that Mr. Paramesvaran Pillai's ideas are entirely new. He tells us there that the Sri Mulam Popular Assembly is entirely a subordinate body. He tells us there that they may pass resolutions and submit them to the upper House, *i. e.*, ourselves, and that when we approve of them they should be binding upon the Government. Now, as I once before put it, what is the use in retaining a subordinate body with no power of initiative? It has only the power of passing it on to ourselves.

These, I find, in the main, form the programme that has been put forward by Mr. Paramesvaran Pillai. In respect of the constitution suggested by him, I hope he will excuse me when I observe that the proposals have not gone beyond the stage of 'crude'. More attention and more study might be necessary, nay, are certainly necessary, before advancing a programme for ourselves. I am in entire sympathy with Mr. Kunjitomman and Mr. Paramesvaran Pillai in respect of the necessity for popularising the constitution of Travancore and giving the people more powers, but I fear that this is not the way to do it. We have to bestow more thought on the subject and put forward more definite schemes. Then we may be able to do it more effectively.

When I make these observations about the Sri Mulam Popular Assembly, it might be supposed that I might have had nothing to do with the Assembly, and that, therefore, I might say anything about the functions of the Assembly. I may tell the House that I am one of the oldest members that took part in the Assembly. I was one of the first elected members of the Assembly in 1081, and I was also a representative in 1082. I have been closely observing the work of the Assembly, and I can say that, since the inauguration of this Council, its work and utility are entirely gone. Therefore, the question is whether we are to sound its funeral note or to mend it. To mend it, however, this is not the way.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, I am not in favour of the extension of the franchise for representation in the Popular Assembly, as the necessity for it, at present, has not been proved. Why the power to vote should be limited even to persons paying a yearly tax of one rupee or more is not clear to me. The power to interpellate and move resolutions now rests with this Council and there is no reason why this power should be extended to the Popular Assembly, especially when the resolutions moved in this Council range over all conceivable varieties of subjects. If any subject has been excluded from the purview of the Council for any reason, the same reason would apply to its exclusion from

that of the Popular Assembly also. It is, therefore, an unnecessary reduplication of work and I am afraid it will lead to complications, conflicts and overlapping of jurisdiction between this Council and the Assembly, to say nothing of the unnecessary waste of time and energy of the official members concerned in the consideration of the resolutions, etc., in both these bodies. The revision of the constitution and power of the Sri Mulam Popular Assembly may, I think, be left to the judgment and discretion of the Government, as that generous body, to which we owe the very creation of the Legislative Council and the Assembly, may be trusted to do more that is needed for the progressive requirements of Government. At present, a resolution of the kind proposed appears to me to be premature. I therefore oppose the resolution.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I have not had the fortune to be a member of the Assembly. So, I am not bound by any sort of tie or sympathy towards the Assembly. But I am one who is interested in the reform of the Assembly. Now the Popular Assembly is considered to be a body of petitioners and preachers. No doubt, the Popular Assembly has done much good to the State, but, at present, with the growth of public spirit in the country and with the reform of the Legislative Council, it has outlived its usefulness. Though I am in favour of reforming the Popular Assembly, I do not agree with the scope or object of this resolution. I believe that the Popular Assembly should be reformed and reconstituted in such a way that it must have control over the executive and it must make the Government responsible to the people. That is the ideal to be kept in view in the reconstitution or reformation of the Popular Assembly, and to reach that ideal we must formulate a scheme, and that scheme is not contained in the resolution or in the amendment proposed.

The resolution contains three propositions. That is, firstly, the franchise must be extended, secondly, the Council must be given the right of moving resolutions, and thirdly the right of asking questions. Now, the right of moving resolutions and the right of asking questions are conferred on this Council. Members of this Council represent almost all the taluks in the State and the Council meets three or four times a year. So, the members of this Council have got the opportunity to ask various questions and to move resolutions. The Assembly, according to the present constitution, will meet only once in a year, and the questions put and resolutions moved there, I think, will not be more helpful to the people.

Then, it is proposed that the resolutions moved in the Popular Assembly and accepted by this Council must be binding on the Government. Certainly, I believe that the resolutions of a popular body must be binding upon the Government and it must not have only a recommendatory value. If it is to be binding, the executive must be removable by the Council and responsible to it. (*Hear, hear.*) Then only can the resolutions be binding on the Government. Otherwise there will a deadlock in the

[Mr. V. Subba Aiyar.]

administration. So, in considering these questions, we have to consider wider questions also to frame any scheme.

I am not a believer in the bicameral system of legislature. It might be the fashion now-a-days. But why do we adopt a fashion which is not useful? What is the use of putting the same questions in two assemblies?

But even though I oppose the resolution and the amendment, I say that a committee of official and non-official members must be constituted to frame a scheme to reform the Popular Assembly or the Legislative Council. If the Popular Assembly is not wanted, the Council must be reformed and more powers must be given to it. That is my idea with regard to the reform.

I do not think that it is perfect, but my idea is that the Popular Assembly must meet very often and the members may be paid and they may be asked to work just as other public servants of the State, or just as members of Parliament in England. When the Assembly meets, it must sit every day during a particular session daily for two or three hours, and every question concerning administrative principles should be periodically discussed in the Assembly. The Ministers or other persons who control the executive must be elected by the Popular Assembly and they must also be responsible to it. Further, the Judges of the High Court must be elected by the Popular Assembly from among the experienced lawyers, If such a scheme can be formulated with a view to reach that ideal, I think it will be acceptable to the whole country.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, my task with reference to this resolution has been considerably lightened by the observations made by my learned friends on the other side. Various objections that I wanted to raise, have been to some extent anticipated by the members who have already spoken. Anyhow, I will try to place a few facts to show that neither the resolution nor the amendment can be accepted.

In the first place, while the resolution wants to lower the franchise from Rs. 50 to Re. 1, the amendment will leave it in a vague way, *viz.*, widening it in a suitable way. So far as the lowering of the franchise is concerned—whether it is one rupee or not—that it is acceptable to the Government will be clear from the fact that in the Draft Rules it has been proposed to fix the minimum qualification at Rs. 5. Government are not against the lowering of the franchise; but whether it should be one rupee or not is a matter for consideration again.

Then, with reference to the other portion of the resolution or the amendment, I think it is necessary to state that the Assembly itself was originally constituted with a view to know the wishes and wants of the people at first hand and also to intimate to the people from time to time the policy of the Government proposed to be followed thereafter. In order, therefore, that there may be a closer touch between the people and

the Government, the Assembly was first organised. The Legislative Council in those days, consisted of a very small number of members and consisted of an official majority and was entrusted with only legislative work. Therefore, so far as administrative matters were concerned, with a view to know what the views of the people were, the Government thought it fit to constitute a Representative Assembly. In that way the Assembly has been working for the last twenty years. From what I have said, it will be clear that the object of the Assembly at the time of the constitution and the function that it has been exercising ever since, was only that of representation and nothing else.

It is by way of representation that the Assembly has been trying to place before the Government the various wishes of the people and it is by way of representation that we have achieved a good deal. What it has achieved, I need not reiterate, because it is conceded that considerable achievements have been made and the memorandum to which Mr. G. Paramesvaran Pillai has referred lays down in paragraph 9:—

"In several matters it has given the initiative for reforms, while in others it has strengthened the hands of Government in carrying out much-needed reforms. The abolition of the system of taxation in kind, the expansion of the powers of the Legislative Council, social legislation relating to Nairs, Christians and Ezhavas and Nanjanad Vellalas; numerous educational reforms, extension of the railway, imposition of the income-tax, development of trade, industries and agriculture, the reorganisation of the Devaswoms and State charities; the separation of the Devaswom from the Land Revenue Department; the increasing representation of educationally backward communities in the public service and the removal of social disabilities;—these and many other matters of importance may be mentioned to be the outcome of representations in the Assembly."

That shows that much creditable work has been done by the Assembly and it will be conceded that the want of statutory recognition did not in the least affect its utility, because its function was only that of representation. Then Mr. T. K. Velu Pillai referred to the power of interpellation. If by interpellation was only meant information, any information wanted by any member of the Assembly was given then and there or sometimes afterwards. If by interpellation is meant, eliciting infor mation for the information of the member, then it was supplied. But if by interpellation is meant interpellation as we now understand it, *viz.*, framing set questions and answers, then that was not what was contemplated to be done by the Assembly.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What has the Law Member to say about the subjects which are prohibited from being discussed in this House and which may be discussed by the Assembly?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): When those subjects are discussed they are discussed not in the way that resolutions are discussed here. The general sense on the question and the results of the discussion are given effect to.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): How was it known without division?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think any division is necessary on this resolution itself

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because the members have expressed themselves in unmistakable terms and we know what the result will be. An important matter is not confined to one session only. It may come up at successive sessions If it is repeated by various members, the Government take it that the people have got a real grievance in the matter and then they give effect to their wishes. This means that formal division is not necessary.

MR. A. HOOGEWERF (*Nominated*): If the extra subjects now discussed by the Assembly are discussed here, will there be any necessity for the Assembly?

PRESIDENT: That is a hypothetical question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Strictly speaking, we are prohibited from discussing the provisions of the Legislative Council Regulation or the rules thereunder. Therefore I cannot say whether the powers of this Council should be increased or not.

Then, with reference to budget discussion, I may say that the Assembly has been exercising the right of criticising the financial policy of the Government from time to time. And I would appeal to my friend Mr. Kumara Pillai who, year after year, has been discussing and criticising the financial policy in the Assembly almost at every session, to say whether his criticisms have been ineffective. If by general discussion it is intended that any purpose should be achieved, that is achieved even now. Any general criticism will not be of much avail and can be given effect to only later on and not in the very budget under discussion. Every representation made by the members of the Assembly is being, as far as possible, given effect to when framing the budget next year, so that, I do not think that what is now intended is that the Assembly should merely exercise the power which it does now exercise. My friend, I think, wants that it should be given a statutory power. Whether it is necessary or not I will presently explain.

Now, in the first place we have to take into consideration one important circumstance. As has been pointed out by one member, our Legislative Council is the older of the two institutions and the Council has been given enlarged powers. In Mysore, the Assembly had already been given the right of interpellation, the right of moving resolutions and also expressing general views on the budget. Therefore, when the Legislative Council had to be reorganised, the powers vested in the Assembly could not possibly be withdrawn, and the difficulty the Mysore Government were labouring under was how best to reconcile the two Therefore, it was announced by the Mysore Government that the number of members would be increased and the Assembly will also be given certain powers. That announcement was made because it was not possible to go *behind* the reform that had already been made or withdraw the powers already conferred, so far as the Assembly was concerned. Now when the question of reform began to be considered and discussed in a

its aspects by constitutional lawyers they pointed out the inadvisability and undesirability of pushing the matter forward. If anybody reads the Seal Committee's Report, he will find that the President was at his wit's end to give a possible solution. An eminent constitutional lawyer like Mr. Seal, well acquainted with oriental constitutions also, tried to find out some scheme whereby some effect may be given to it. Therefore we should not be carried away by the fact that the Mysore Government made some constitutional reforms and therefore we are to follow it. When we have this House with certain powers for interpellating the Government, for moving resolutions and also for passing bills, which, unless, under exceptional circumstances certified otherwise by the Dewan, will be law ordinarily, when we have got all these powers, the question how to modify the existing Assembly and give it a statutory recognition does not at all arise. If it is intended that it should be one of the chambers in a bicameral legislature, one can understand it. It may be pointed out that even in the Provinces of British India, which have much larger area and population, a bicameral legislature has not yet been adopted, and that, for a considerable time to come, difficulty will be experienced in finding a sufficient number of qualified men for both the Houses. A bicameral Legislature is unsuited to an India State. I only wish to read to the House what the Seal Committee's Report says on the matter:

> 14. "The population and the size of a State, its historic tradition or its imperial or federal character, may sometimes demand a double chamber. Such conditions are wanting in Mysore. On the other hand, a compact and not unwieldy population, and a comparatively simple socio-economic structure, without marked differences of economic level and without big land-holding or feudal interests, would naturally point to a single chamber. A double chamber here would be economically wasteful, and politically unsound. It would breed friction and dissension without corresponding gain in deliberation, and is also likely to produce congestion and a morbid hyper-excitation in the body politic."
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> 18. "To turn the Representative Assembly then into an imitation first chamber of the legislature would be shunting it on to a wrong and devious track. It should not be saddled with responsibilities which would be foreign to its character and composition, nor turned aside from vital work which has to be done and which it alone, as an epitome of the people, is capable of doing."

So that is what the Seal Committee says. I may say for the information of the House that the Mysore Reform Scheme was sent for the opinion of that acute and eminent lawyer, Sir P. S. Sivaswami Aiyar who has expressed himself in unmistakable terms in the matter. His opinion is published in the issues of *New India* dated the 12th and the 13th September, 1923. That was about a month or two ago. He condemns very strongly a bicameral chamber in any Indian State. His opinion unmistakably is that it would be absolutely out of place and I believe that some members of this House have also expressed themselves that a bicameral chamber is unnecessary as it will be economically wasteful and politically unsound. If you keep away the theory of the bicameral legislature, then we have to confine ourselves to the unicameral legislature, *viz.*, the present legislature.

[Mr. V. Subba Aiyar.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Subba Aiyar if this House is a unicameral legislature.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. A bicameral legislature with the Representative Asssmbly of a statutory character as proposed in Mysore is, he says, an experiment for the first time of very great magnitude and will be watched with interest throughout India. It does not find a parallel anywhere in the world; and being a novel constitution deserves to be watched with very great interest. I got a copy of the *Gazette* only to-day. Before we pronounce any judgment upon it, we will have to see how it works.

Apart from that, there is the practical difficulty in adopting the amendment suggested by Mr. G. Paramesvaran Pillai, *viz*., that every legislative programme placed before the House and sanctioned, every resolution approved by the House, should be binding upon the Government. I think that question has been sufficiently answered by Mr. Madhava Variar. How can it be binding upon an *irremovable executive?* So long as the executive is irremovable, the binding nature of the resolution is out of the question. But apart from that there is a likelihood of conflicts arising. Seal himself makes prominent mention about it. He fears that deadlocks and conflicts will arise and thinks that it would have been better if the Legislative Council had made a committee of the Mysore Assembly. The Assembly is to consist of 250 members and 10 per cent. of the members are to be returned by the Legislative Council. Therefore, the Legislative Council may be regarded as a committee of the Popular Assembly. But, in the absence of that, the report says that deadlocks and conflicts will be created and the best remedy to avoid the same will be not anything that he could possibly propose. But he says that he would leave it to the Government to develop conventions which would ultimately remove these deadlocks. So that, according to the committee's report, deadlocks cannot be removed by anything that they could recommend, but it could only be removed by the Government. I think that is rather a dangerous course. I think I need not speak further on that. I will only read some extracts from Sir Sivaswami Aiyar's opinion in the matter:

"If the spheres of influence of the Representative Assembly and the Legislative Council cover much the same ground, it is admitted that conflicts and deadlocks can only be avoided by providing for the growth of conventions and usages differentiating their respective functions and facilitating amicable settlements. I am afraid, however, that the possibility of conflicts and deadlocks has not been adequately obviated. Let us take, first, the case of legislation. In the case of all important measures of legislation which are included in the legislative programme of the year they are to be placed before the Assembly in the Dassara session, and the general principles of the bills discussed there. The view of the majority seems to have been that consultation and discussion must be followed by the formulation of definite issues and the ascertainment of opinion by votes. This is a course fraught with the danger of converting the opinions of the Assembly into mandates of a more or less binding character and would be inconsistent with the theory on which the Assembly was originally founded and which

appears to be the correct one to maintain even under the new constitution. Supposing that the Assembly, as the result of a general discussion, decides against any particular legislative measure or against some particular provision, would it be open to the Government to introduce it in the Legislative Council? The answer is apparently to be found in paragraph 79 of the Committee's Report. They do not propose to make the opinion of the Assembly binding upon the Legislative Council and they would place the responsibility of accepting or rejecting the opinion of the Assembly on the shoulders of the Government. The course proposed has the serious disadvantage of placing the Government in a very invidious position. It is unwise to court the risk of friction with a popular body and is, in fact, calculated to create serious trouble. There are certain matters in which, in view of the backwardness of education and other causes, the Government have sometimes to introduce measures which may be somewhat in advance of the sentiments of the people, all the advantages of which they may not be able to appreciate. Take, for instance, a measure for compulsory vaccination or for compulsory education or for certain other sanitary measures, it may be possible for the Government to carry through such a legislation with the help of the *intelligentsia*, but such measure may be effectively blocked by the Assembly by the opposition of people professing to be armed with mandates from their constituencies. While it may be an advantage that legislation should not go ahead of the people, it cannot be affirmed that it is always so in countries circumstanced like the Indian States. Of the two courses of creating a body purely and expressly for educative and representative purposes and creating a body with large powers of a vague and indefinite character and afterwards disappointing people's expectations by disregarding their opinions, the former is undoubtedly the wiser alternative.

The provision that taxation bills will also be placed before the Representative Assembly and that no new taxes will be levied without the previous consultation of the Representative Assembly is even more calculated to be a source of friction. If the Representative Assembly should decide against a new tax or an enhancement of subsisting tax by legislation, the Government will find it impossible to introduce the measure in the Legislative Council. There is no subject upon which it is more difficult to persuade the masses than the need for increased taxation. If, for instance, the choice were offered to the masses between an efficient system of drainage and water-supply and increased taxation, one can by no means be certain in this country that the popular vote will be in favour of the latter alternative. While it is a sound political maxim that there should be no taxation without the consent of the Legislature, it would be unwise to multiply the number of bodies whose initiative or concurrence is requisite for taxation. Either the Representative Assembly should be the law-making body, or should not be one. If it is to be the law-making body, it will naturally and unnecessarily claim the exclusive power to assent to or reject proposals for taxation. Even in a bicameral legislature, that chamber which is more popular in its composition will almost invariably claim, and succeed in acquiring, the sole power to initiate money bills. If, on the other hand, the Representative Assembly is not to be a law-making body, then let there be no pretence about it, and let them entertain no delusion that there is one, and put forward claims to decide upon measures of taxation.

The peculiar position which is proposed to be assigned to the Representative Assembly under the committee's report, *viz.*, the position of a body which is not a law-making one, but which is entitled to be consulted about measures of taxation, is one of unstable equilibrium and a sure source of friction and trouble. The right of consultation will always be translated into a duty of consultation, and the duty of consultation translated into a duty or expectation to follow advice. The attempt to discover a theoretical basis for the Assembly and ascribe to which the potentiality or embryonic character of an organ for initiative and referendum is rather likely to fill its mind with a larger sense of its powers than is really proposed to be given."

I have read a long extract from the opinion recorded by Sir Sivaswami Aiyar because I do not think that I could myself advance any stronger argument against the resolution or put it much more authoritatively than he has done. It is a crushing reply to the scheme adumbrated by the Seal Committee and that committee itself was not

[President.]

in favour of that particular thing, because in the committee's report they say that the alternative proposals they would suggest have been ruled out by the announcement, and therefore they make that recommendation. But we are not in that predicament; no powers of moving resolutions or of discussing the general principles of bills or of agreeing to bills improving new taxation have been already given to the Assembly. If we take any step in that direction, it has to be done after very careful consideration. Otherwise, we will be in the very same difficulty as the Mysore Assembly was. If the distinguished President of the committee, a very great constitutional lawyer known all over the world, is of that opinion, and if Sir Sivaswamy Aiyar, a late member of the Executive Council, and late Advocate-General of Madras, one who has experience of more than one provincial council and of popular assemblies in other countries—if he is decidedly of that opinion, I think it would be a dangerous thing to decide that the Assembly should be given the powers that the mover of the resolution or the amendment wants.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask Mr. Subba Aiyar whether there will be any chance of conflict between the Legislative Council and the Assembly in case additional powers of interpellation and moving resolutions are granted to the Assembly only in respect of such matters as are prohibited in this Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to the question of interpellation, whether the subject takes the form of interpellation or not, it is discussed in the Assembly without the power of division.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My question is, whether there will be any chance of conflict.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If it is restricted purely to matters not within the cognisance of this Council, is there any guarantee that the prohibitions and exceptions in Regulation II of 1097 will be removed in the case of the Assembly when it is made a statutory body? A body intended for the purpose of representation is allowed to discuss various other matters also. Once a statutory right is given, I do not think that that body will be allowed to exercise powers over prohibited matters as well.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know what the view of the Government is in respect of the existence of the Popular Assembly?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as that matter is concerned, the Government have absolutely no idea of abolishing it; they now want to conduct the Assembly as it is.

PRESIDENT: The House will now rise and meet again at 3-15.

The House adjourned for lunch at 2-32 P. M. and re-assembled at 3-17 P. M.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, with respect to the resolution and its amendment before the House, I wish to offer a few observations. First of all, this resolution and its amendment appear to have been put before the House at an immature stage. For, looking into the prior proceedings of this House, we see that the Government thought it fit to appoint a committee to go into the whole question of the rules relating to the Sri Mulam Popular Assembly. Accordingly, a few members were nominated by the Government and a few were elected by this Council. The committee was formed—

PRESIDENT: All the members were elected; there were no nominated members on it. The President alone was nominated.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, the President alone was nominated. A number of members were elected by this Council and a committee was formed which held a few sittings. But owing to certain reasons, of which we have no official information, the members of the committee resigned their seats. The first question that strikes one in that connection is to ascertain the course of action that the Government have in their view with respect to their original idea of revising the rules, and to enquire if, in the place of the resigned members, the Government are going to appoint other members or call upon this Council to elect other members. Then there is still scope for further enquiry into the matter which was once resolved upon by the Government. In view of that question, I submit that the resolution as well as its amendment is before the House at an immature stage.

Passing on to the resolution and the amendment, we see that some forcible criticism was levelled against both of them. With respect to some of the speakers, they observed that they have been turning this question over in their mind for many months past and could not arrive at a satisfactory conclusion. One of such gentlemen was my friend Mr. Velu Pillai; and he closed his speech also saying that he was of an unsettled mind.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I said only with regard to the details of the scheme.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Exactly. My friend Mr. Mammen Mappillai also prefaced his remarks by saying that he was also in a vacillating mood with respect to the question now before the House. But, by the time he had concluded his speech, he appeared to be in a very definite position with respect to what he had to say on the question of the Sri Mulam Popular Assembly, since he said that it does not serve any useful purpose after the institution of this Council and that the Popular Assembly may therefore be added to the scrap heap. So, I am of opinion that it is rather difficult to decide the question in all its bearings and branches. But that does not preclude me from pointing out certain directions in which thought has to be bestowed on the important subject now before the House.

[Mr. P. K. Narayana Pillai.]

The expression, 'Sri Mulam Popular Assembly', itself, I would point out, on a closer analysis may be seen to be a misnomer. For, it is an aseembly only in the sense that so many people come together and not in the sense that there is any concerted action among the members who are present on the occasion of the meeting of the Assembly. What the President of the Assembly does is simply to hear each representative on the occasion of the meeting. But with respect to the question of ascertaining the general sense of the House on any question, that is not the practice at all. So, it will be as good if the President instead of calling together a meeting—

PRESIDENT: The President may do it if he thinks fit under the present rules.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The present rules are not passed as yet.

PRESIDENT: I mean the existing rules.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Under the existing rules, even if such a power is vested in the President, as I pointed out, the general sensë of the meeting has never been ascertained, in the past, so far as I recollect. What is done is that upon topics of general interest and upon topics of a local nature they simply go on making their representations, elicit some answers immediately and some answers which promise the real answers at a future date. That is the usual working of the Assembly. That, I am submitting, is an unsatisfactory system; for, if it is only the intention of the Government to ascertain the views of each representative with respect to the representation he has to make upon a general question or a local subject, and if the representation of other members is not needed at all for the purpose of making such representation of any one particular member, why an assembly should be held passes understanding. So, under the existing circumstances, my humble sumbmission is that the Government are not taking as much advantage of the holding of an assembly as is possible, in view of the pains taken and the time spent over the whole question. That is the first criticism I have to offer with respect to the present working of the Sri Mulam Popular Assembly.

What exactly ought to be the further powers, if any, that may be given to the Sri Mulam Popular Assembly has been the subject of discussion. My friend, Mr. Subba Aiyar referred to the proceedings in Mysore and the opinion of a gentleman of the stamp of Sir Sivaswami Aiyar whose leanings elsewhere are more or less before the whole world. All these have been referred to for the purpose of combating the view that the additional powers pressed by the mover of the resolution and the amendment should not be granted to the Sri Mulam Popular Assembly. I would submit that I would keep aside the Seal Committee's Report, or for the matter of that, the opinion of Sir Sivaswami Aiyar, valuable as each of them is. So far as the working of the Sri Mulam Popular Assembly goes, we are ourselves in a position to evolve a scheme

in the direction of its further utility. Outside experience expressed upon a view of the future working of assemblies and corporate bodies, based upon experience gained from other institutions flourishing and functioning elsewhere, should not blind us to the possibilities of expanding the usefulness of an institution with which we are acquainted so much at close quarters. So, that kind of argument need not deter us from considering the question upon its merits.

As it is, the question was further raised by my friend Mr. T. K. Velu Pillai as to the relation that the Sri Mulam Popular Assembly should bear to this Council. He himself was particular that the Assembly should never be a hand-maid of this Council, whereas the mover of the amendment, Mr. G. Paramesvaran Pillai, practically hinted that it should be a hand-maid of this Council. Well, with respect to that aspect of the question, seeing that the Assembly meets only once a year, seeing further the fact that the Council has necessarily to meet at least three or four times in a year, and further, the closer contact that now subsists between the Council and the Government, it is only possible, so far as I could see, to subordinate the Assembly in a considerable degree to the Council itself. My reasons, further, are that any deliberations of the Council must necessarily carry greater weight, not only because it is a statutory body as at present, but because there is the possibility of a discussion between the treasury benches and the opposition in this Council, and the result arrived at after deliberate and pitched battle should necessarily carry greater weight. But, so far as the Sri Mulam Popular Assembly is concerned, the possibility of affording the Government an opportunity to defend themselves does not exist at present. As such, any expression of opinion, be it on an individual basis, or be it as the voice of a collective body representing the various centres in the State is entitled mainly to consideration—and serious consideration—and as such need not necessarily be elevated into the same effect and force as a resolution passed by this Council. That the necessity for such a consultative body as the Sri Mulam Popular Assembly is clearly conceded by the Government, is manifest to this Council. Sir, the very origin of the Sri Mulam Popular Assembly under the very able, noble and sympathetic guidance of Mr. V. P. Madhava Rao (*hear, hear*) has been to enable the Government to understand the popular views on many subjects unwarped by the influences of red-tapism or bureaucracy. It was for that purpose, that is to say, that the Government may have a direct and clear perception and the acquaintance of popular opinion and feeling upon any particular subject, that that noble statesman instituted the Popular Assembly. And, that it has been functioning with much benefit to the people and to the Government, is an undesirable fact. Such being the case, looking back upon the utility that has been gained from the institution of an assembly of that description, it will be very strange if the Government now come forward to say that it has survived the utility that once existed and that they may now dispense with its necessity. Such, certainly, is not the voice of the Government. I was very happy to listen to Mr. Subba

[Mr. P. K. Narayana Pillai.]

Aiyar saying that he himself is not for the abolition of the Assembly. But some suggestions have been thrown out by some members on this side of the House - certainly, very honestly I believe—that the Assembly may be dispensed with. We have survived the stage of usefulness of the Assembly! Well, that indicates a lack of resourcefulness on the part of the Government as well as upon the non-official side to devise successful schemes for the development of institutions in course of time. I myself unfortunately am not in a position to subscribe to the view that we may dispense with the Sri Mulam Popular Assembly. As I submitted, the question itself has had a very immature consideration at the time it was submitted to this Council, so much so that I would persist for the maintenance of the Assembly and for its further development, trusting to the resourcefulness of the Government and the non-official members of this Council.

Certain suggestions have been made with respect to the line that this development may take. First of all, Mr Kunjitomman suggested that the franchise may be widened. That is a good idea no doubt; but how far it may be widened is one question and what ought to be the principle that should be kept in view in the matter of widening the franchise is another. Mr. Kunjitomman, though he proposed an irreducible minimum of one-rupee taxation as the qualification for a voter, ultimately went on to suggest that he would dispense with the property qualification totally. When I questioned him towards the close of his speech as to whether he would allow that the money collected by the Government from the tax-paying section of the population may be allowed to be controlled by the non-tax-paying section of the population, he was good enough to concede the fact that he was not of that opinion. So, a natural question comes to the forefront in that connection. It may be that many people may be paying one rupee tax. Some people may be paying one thousand or two thousand or even, as I have had occasion to notice, three thousand rupees as tax in their own name. Though, as was said by a revered professor of mine, all colours agree in the dark, in the electoral roll also, if one rupee qualification is the minimum, the men paying one rupee tax and those who pay ten thousand are treated as equals. The question is, if the Government are going to base the election of members in the Popular Assembly on a property-qualification, whether it would not be somewhat iniquitous to treat a man paying one rupee tax as equivalent to a man paying a thousand rupees tax. So, in lowering the franchise, which of course is only in keeping with democratic aspirations, we have to take the checking consideration into our mind, and see that, in spreading out, the franchise should not be in any way rendered iniquitous to any party concerned. That is one question that I have to refer to in this connection.

With respect to the power to move resolutions, to interpellate and to consider in a preliminary way the legislative measures to be introduced in this Council—these questions, I am sure, as my friend

Mr. Paramesvaran Pillai himself will concede, require further consideration before they can be formulated into practical politics. There is one aspect of the question, that is to say, that we feel ourselves considerably handicapped with respect to subjects excluded from the cognisance of this Council. It is necessary, especially when there is a necessity to view the finance and the policy of the State as a whole, that all matters pertaining to State affairs must, somehow or other, be brought under discussion and under the consideration of the people. So far as we are concerned, we feel the dead weight of the restraints upon ourselves, and we cannot claim to have the Legislative Council Regulation or the rules framed thereunder to be repealed by ourselves.

Under these circumstances, I thought there was some justification for Mr. Paramesvaran Pillai's position to press upon the attention of the House the necessity that such powers must necessarily be lodged somewhere, and the only other place he could possibly think of was the Sri Mulam Popular Assembly. Hence, I think, his insistence that the powers of interpellation and moving resolutions and discussing legislative measures in a fair way should be lodged in the Sri Mulam Popular Assembly. That is the only spirit, I think, in which he is pressing that aspect of the matter.

As to duplication of work and other difficulties, nobody wants a duplication of work at all. Then, sympathetic reference was also made with respect to the condition of the nerves of Government officers, the expenditure, time and extra labour to which they are put, and the considerable uphill work and the sleepless nights that these gentlemen are obliged to undergo in connection with the work of the Legislative Council, and what we are going to add in connection with the work of the Sri Mulam Popular Assembly as well. So far as the Sri Mulam Popular Assembly itself is concerned, Sir, I have known the sort of work the Government officers do. First of all, it is a function occurring once in a year. So far as the Government officers are concerned, certainly some of the heads of departments come prepared with an amount of notes and all those things; but the general utility of such notes has not been experienced to be very great on past occasions. You, yourself, Sir, as the President of the Assembly returned on many an occasion sympathetic answers. But on certain other occasions you generally reserved the answers. That has been the experience. How the Government officers as a body right through the State—

PRESIDENT: Do you not think that one of the causes for reserving the answers is the indefiniteness or the want of previous notice?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Quite true; I conceive the indefiniteness with which the representations are first of all foreshadowed and probably the methods adopted at the time of discussing them also occasion answers being delayed. But to exaggerate the work of the Government in connection with that matter certainly is not entitled to much credit.

[Mr. P. K. Narayana Pillai.]

Then, with respect to the sort of work here, why the non-official section of the House should concern itself with the nerves of the Government officers, I do not see. They are paid for it. Why the non-official should excite himself into sympathy with the official on this score—

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I said it was more due to the consideration that the work of the public service might suffer, in which the public have got a direct interest. It is not because I had any sympathy for the nerves of the officials. But indirectly I think the routine administration will suffer. There might be dislocation of work and delay in the work of daily administration.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Mammen Mappillai if—

PRESIDENT: You cannot ask a member who is simply offering an explanation.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was of opinion that I could put a question when he was speaking.

PRESIDENT: I do not think so.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have had the satisfaction of listening to the refreshing explanation given by Mr. Mammen Mappillai and I am glad that he has no sympathy for Government officers. (*Laughter.*)

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Neither want of sympathy.

PRESIDENT: A Government officer is also human, I suppose. (*Laughter.*)

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Well, so far as the people themselves are concerned, it is the people who want all these things to be done.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Of whom I am one.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Certainly, you are more than one. I am prepared to concede that even.

PRESIDENT: No asides, please.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): So far as the popular demand in connection with the working of these popular bodies is concerned, we have no business to concern ourselves with such minor side-issues. These considerations are insignificant. Sir, in view of the very substantial question that is now before the House, I would request the House to support the principle of the resolution and the amendment as well; and in that respect I support the resolution as well as the amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Narayana Pillai whether he is in favour of a question relating to State Devaswoms being discussed in the Popular Assembly, although an arrangement is devised by which the opinion of the majority of the Assembly may be taken?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am very glad to answer the question. I am not prepared to allow any discussion with respect to the Devaswoms or the policy of managing them. But with respect to the conduct of the agency that is now appointed, it is a subject to be legitimately discussed by this House as well.

MR. A. HOOGEWERF (*Nominated*): Sir, I do not wish to make a long speech, but I may say at once that it is my considered opinion that some forward move is necessary. The Sri Mulam Popular Assembly, as stated by Mr. Narayana Pillai, was brought into being by that wise statesman, Mr. V. P. Madhava Rao. It has served its good purpose in its own day. But on the top of that Assembly, the Council has been formed. Now, the question is, is it going to be only a talking body or is it going to be anything more substantial? But if it is only to be a talking body without any definite purpose, over and above this Council, I should say, we should do away with it. Mr. Paramesvaran Pillai and Mr. Kunjitomman put forward proposals and I do not think they claim any perfection to their suggestions. I do not think that we should accept everything that they have put forward. All that I say is that we want something substantial. I have nothing more to add than to repeat what I said, *viz.*, that, if we cannot mend it, we must end it.

MR. JOSEPH PANJIKARAN (*Shertallai*): I oppose both the resolution and the amendment, not because I have no sympathy with the spirit or the principles underlying the resolution and the amendment. The resolution, as it is stated, is to widen the franchise, and the amendment is to widen the powers of the Assembly. This demand is certainly in keeping with modern tendencies. Both these are intended to bring the people to share more and more in the Government; and in this age of democracy I do not think that there would be many who will say that such tendencies should be discouraged. The reason why I oppose the resolution is that, if I support it, I would be practically supporting the existence of two legislative bodies, one the Council, and the other the Assembly. In my opinion, Sir, when this Council was once brought into existence, it is no more necessary for the country to have an Assembly of the kind that is existing now. The question then is whether we should have the Assembly with widened powers. My question is, why not give widened powers to the Council instead of having the two bodies side by side with similar powers? There is a great apprehension current in the country that legislative measures are brought forward in this House not because conditions that necessitated such legislation in foreign countries do exist here, but because of the desire to imitate. The amendment is the outcome of the same desire to imitate. Because there is the House of Lords and the House of Commons in England and there are two representative bodies in Mysore,

[Rao Bahadur K. A. Krishna Aiyangar.]

why should we not also try the experiment here? I do not think that there is much virtue in imitating the institutions and proceedings of other countries, unless a necessity for such a thing is made out. Of course, we have very great respect for the memories connected with the Assembly, and I also, along with my friend Mr. P. K. Narayana Pillai, express very great respect for the noble spirit of Mr. Madhava Rao that brought the Assembly into being. But the question is whether, if he were at the head of the administration now, he would have allowed the introduction of a bicameral system of legislature. My position is that we should do away with the Assembly or the Legislative Council, and should have only one legislative body, call it by any name you like. We should have only one body with the powers required for it.

So far as powers are concerned, certainly there are very many restrictions put on the Legislative Council as it exists, and it is highly necessary that its powers should be widened. If such powers can be given, and if they are to be given, I do not see the logic of saying that it must be given to the Assembly. Why not give them to this body itself?

The economic side of the question has also been very ably dealt with by some members. So, the reason why I oppose the resolution is not because I do not sympathise with the principle underlying it—I do really sympathise with it—but I do not for a moment see the necessity for giving statutory existence to or recognition by this House of the existence of the Assembly independently of this body and thus incurring the expenditure. So I oppose both the resolution and the amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I beg to oppose both the resolution and the amendment. Perhaps, a word of explanation is due from me with reference to the observation made by Mr. G. Paramesvaran Pillai. I thought it would have been very much fairer if what transpired in a confidential conference were not utilised as an argument for pressing this proposition. That is as a matter of principle.

However, going to the merits of the proposition that was referred by the committee in their recommendation to the Government, there was a general expression of opinion that, in the judgment of the committee, the Assembly must be given the powers of moving resolutions, putting questions and of discussing the budget before it was placed before the Legislative Council. So far as the discussion of the budget itself is concerned, I personally think that the Sri Mulam Popular Assembly, being a larger popular body, would be in a position to give practical expression to real difficulties that are being experienced in the administration of fiscal enactments throughout the State very much more satisfactorily than even the Legislative Council itself. I certainly, Sir, do demand for this body a more trained habit of approaching important questions and offering constructive and critical observations of a very much better order, because this Council contains a much larger element of trained professional men.

As regards the question of interpellations and resolutions, what I had at the back of my mind was not that the question was discussed in all its details or any definite conclusions reached. It was not necessary for the purpose of sending up that letter to the Government to ascertain the scope of the reference. What I had at the back of my mind was that apparently certain functions were exercised by the Sri Mulam Popular Assembly, which were definitely excluded from the purview of the Legislative Council. No doubt, the Draft Rules which were published by Government and which the committee were called upon to revise embodied the very same limitations which are embodied in the Legislative Council statute itself. If there would be a general agreement amongst the members of the committee as to removing some of the restrictions newly imposed on the Assembly and the Government would also agree to the recommendation, I think some provision might be made for making interpellations and moving resolutions. I had thought, Sir, at the time that, if the Draft Rules were adopted with modifications, the scope of business and the volume of work to be transacted in the Assembly would be considerably reduced and there would not be any unnecessary demand on the resources of the Government for the conduct of the Sri Mulam Popular Assembly itself.

These are the lines on which I view the question. I take my present stand on a very much higher ground. With respect to the important question of reform of the Assembly, I believe I am not estopped from revising my own judgment in the light of the discussion that has taken place in this House. I do believe, Sir, that if the principles embodied in the amendment are to be accepted, vague and unsatisfactory as they are, it necessarily implies the creation of a bicameral legislature. In spite of a disclaimer by Mr. G. Paramesvaran Pillai the logical result of that would be the creation of a bicameral legislature. No doubt, it exists in some parts of the world where it is difficult to get rid of an institution that came into existence in years gone by. But the opinion of constitutional lawyers—at any rate, the general consensus of opinion of constitutional lawyers—on the question of a bicameral chamber is that it is a costly institution which would be of no practical utility and an intolerable nuisance. That is the light in which bicameral legislatures are viewed by modern constitutional lawyers; and in a small State like Travancore a second chamber in the form of the Sri Mulam Popular Assembly is certainly very undesirable and unnecessary. I therefore oppose both the amendment and the resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I rise to offer a few observations upon this important subject. The opponents of the amendment may be divided into two classes. One class considers the Sri Mulam Popular Assembly as having lost its legitimate function by the creation of the reformed Legislative Council and argues that it has now become a functionless inane body, something like an unserviceable horse which deserves only to be shot and buried. There is another

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class of people who think that the Popular Assembly has not become useless but that it should be retained and must be reformed on certain lines. But what those lines of reforms should be, they are not clear about. I am very glad to find that Mr. Subba Aiyar, speaking on behalf of the Government, did not agree with the first class of critics who think that the Assembly has become useless and should be abolished; but he is definitely of opinion that the Assembly should be retained, as it has got a function—a really useful function—to perform. The question, therefore, is as to how the Assembly should be reformed.

MR. JOSEPH PANJIKARAN (*Shertallai*): I wish to know whether Mr. Subba Aiyar did say that the Assembly should be retained.

PRESIDENT: He will make it clear in his reply.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): So far as practical politics is concerned, the Assembly is to be retained. It has got a definite function to perform. In that view of the matter, it is unnecessary to consider whether it is functionless and whether it should exist any longer. Assuming that the Assembly should be retained, a further question remains, *viz.*, whether it should remain as a body of petition-mongers as at present or whether there is scope for reforming it and making it more useful to the public at large. In regard to this matter, Mr. Subba Aiyar is not so sure that there is scope for any reform or improvement at all. On the other hand, it appears to me that the Government did not always think so. Time was when the Government thought that the Assembly was capable of being reformed for the purpose of making it more and more useful. Sir P. Rajagopalachari, the late Dewan of Travancore, said, in conculding the fifth session of the Sri Mulam Popular Assembly:

"Travancore had in this Assembly an institution which, with judicious development, might be made most useful for purposes of good government."

Therefore, in the words of Sir P. Rajagopalachari, the institution was capable of judicious development and such development is capable of being made useful for the purpose of good government. Now, the present Government also thought that the Assembly was capable of further development and reform. Therefore it was that they wanted to revise the rules of the Sri Mulam Popular Assembly by enlarging the franchise and giving certain new powers to it.

PRESIDENT: I do not think you are quite accurate, except with regard to franchise. The Government proceedings no doubt refer to the widening of the franchise. As for widening the functions, I do not think that there is any such explicit statement in the proceedings.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Anyhow what I submit is there is a lurking idea that the Assembly deserves some kind of development, although on what lines the Government

themselves have not yet made up their minds. If that is so, the question arises, what are the lines upon which the Assembly should be reformed? Certain lines have been suggested in the resolution and in the amendment. They are certainly not exhaustive, nor the final and the last word on the subject. They are only certain lines upon which the reform of the Popular Assembly has been suggested. Now, let us consider some of the lines and see whether they are practicable, and whether they are demanded by the circumstances of the time.

In the first place, it is said that the Assembly should be made a statutory body. It is said that it is only a creature of the executive. It has been in existence for so long a time and has been doing useful work even according to the Government; and therefore it is asked, why should it be given a statutory position? My answer is this. So long as the Assembly remains the creature of the executive, it can do whatever it likes with it without consulting the people or the popular wishes; and in fact, the executive has so dealt with certain privileges of the Assembly. In the year 1082, during the Dewanship of Mr. Gopalachariar, it was seriously suspected that the Government entertained the idea of abolishing the Sri Mulam Popular Assembly altogether. Then there was a great agitation against the idea, and finally, although not at the time fixed for the Assembly, Government thought it fit to hold the Assembly and not to abolish it. Further, when the Government revised the rules of the Assembly, they were so revised as to curtail the rights of the members. This is summarised in the memorandum submitted by the majority of the members of the Committee.

"The departure of Mr. V. P. Madhava Rao whose name will ever be gratefully cherished by the people in connection with the Assembly, even threatened to drag the infant institution into an untimely grave, but the parental solicitude of the sovereign came to the rescue and the worst that happened was only the postponement of the third session from October 1906 to January 1907. It was, however, left to the penultimate Dewan to fetter the institution with an elaborate set of rules affecting the privilege of voters and members and circumscribing the nature and scope of the representations. It is, however, due to Dewan Bahadur (now Sir) P. Rajagopalachari to say that he intended to exercise the disciplinary and other powers vested in him only in very exceptional circumstances."

I also remember that in the guise of revising the rules of the Assembly certain persons who were once enfranchised were subsequently disfranchised and made incapable of voting at the election of the Popular Assembly and of being returned as members. I may instance the case of graduates. As originally drafted, the rules of the Assembly gave franchise to all graduates irrespective of their standing. Subsequently, for very well-known reasons which I now need not disclose, that franchise was taken away. Graduates of ten years' standing alone were given the privilege. In this way the revision was begun. Instead of enlarging the scope of the Assembly and widening the franchise, the rules were always revised with a view to curtail the rights and powers and privileges of the people. Therefore we want that the Assembly, which has been in existence for so long a time and which even according to Mr. Subba Aiyar has been doing such good work, should be removed from the control of

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the executive and given a statutory basis, so that the executive may not be able to tamper with its rights and privileges. There is also another reason. There is no political status now assigned to it. It must be given a definite place in the constitution of the State. For these reasons, I think the demand that it should be recognised as a statutory body has very great force.

Then, with regard to the powers of interpellation and general discussion of the budget and the moving of resolutions. Of course, as has already been pointed out, the committee appointed by the Government for revising the Draft Rules of the Assembly were unanimously of opinion that the Assembly should be invested with these powers. And representations to that effect have also been submitted to the Government. The other powers that are now sought to be vested in the Assembly are the right of being consulted in the case of the imposition of new taxes and also the enhancement of the existing taxes as well as in regard to the principles of legislative enactments before they are introduced into the Legislative Council. These powers, if granted, it is apprehended, might convert the Assembly into a second chamber. They want to call it a bicameral system and then condemn it. This is like giving a dog a bad name and hanging it. Now even if it is called bicameral I would not be frightened by the name, so long as you give a *definite* constitution to the Assembly and place it on a statutory basis and we know what its powers and functions are. I submit that because you call it a bicameral chamber it does not detract from the value of the constitution or make it any more difficult than if a really bicameral system was introduced in the State. Secondly, it appears to me that the vesting of the Assembly with all these powers does not convert it into a bicameral system. I would refer here to the very same Seal Committee's Report—I suppose it is not confidential—referred to by Mr. Subba Aiyar which says as follows :—

"The Representative Assembly, as it stands, can be made to serve a vital political need to be strongly felt in most countries under representative government to-day. The constituted central legislatures in such Governments (taking both Houses together) are filled in great part by representatives who come in by a secondary or a tertiary election or who are thrice removed from the spheres and interests of life they legislate upon or whose composition does not even fairly reflect the actual balance of social forces in the country. Owing to these inherent disadvantages of representative government by majorities (which can hardly be redressed by any scheme of proportional representation) it happens that direct action by primary interest groups (or function groups) in various spheres of life comes into the arena, the more so as the usual representation is only territorial, and ignores the more natural groups of social composition—a defect which, it will be seen, has been sought to be corrected in the scheme of representation suggested for the Mysore Legislative Council. It is also unfortunately the case that, as such direct action has not been regularised (or constitutionalised) it is always revolutionary in character and set up in opposition to the Parliamentary Government or other constituted authority. Wisdom, then, under the rule of representative government by majorities,—even with such redress as proportional representation may give—would provide for some regular referendum, obligatory in certain defined cases, or facultative (optional) in others as under the Swiss Constitution. The Representative Assembly in the State certainly does not answer to the purposes of referendum, but so far as the Assembly is an epitome of the

people, a meeting place of delegates of various groups and associations working on the principle of direct action and bound by natural ties or interests, so far again as the delegates bear mandates regarding subjects of discussion, if not also regarding their representation to the government, there is much that is common to the Representative Assembly and the working of the referendum. In fact, with some changes, this Assembly can be made to serve, however informally and rudimentarily, two important ends, *viz.*, the initiative and the referendum, which are such useful supplements and correctives to the machinery of formal constitutional representation. The delegates in centuries—say two or three hundred—should come from the primary assemblies and groups which constitute the body of the people and work by direct action in the sphere of their daily lives and interests. They should bear mandates regarding the people's wants, desires and grievances which the Assembly may formulate for the purposes of an initiative to the legislature. They should be consulted in all important legislative measures, and the general principles of all bills (including bills of taxation) should be referred to them and their views ascertained. They should discuss the budget on general lines. And, finally, they may also bring mandates regarding matters which have been referred to the people by the Government or the legislature, especially in the case of bills touching closely and directly the people's daily life. Such functions the Representative Assembly properly composed and developed can very usefully discharge. In the constitutional changes now announced, with true political vision and foresight, has the opportunity been seized of serving the people by methods which are more direct and intimate, in their bearings on the life of the folk, than the political machinery of the orthodox Parliamentary pattern."

So that, these powers of being consulted in regard to matters of taxation and legislation and giving them initiative in certain matters would not convert the Assembly into a second chamber, and thereby the evils of the bicameral system will not be felt by the constitution. So they have now recommended, even with the idea that the bicameral system would not suit Mysore, that the Representative Assembly should have powers of interpellation, budget discussion, of moving resolutions, and of being consulted in matters of taxation and of legislation. If this is so, I can say that there is absolutely no reason why we should not invest our Assembly with those powers and privileges and make it a more useful body instead of retaining it as a body with practically no useful function to perform and allowing it to remain as a body of petitioners and looked upon by the people with not so much of respect and confidence as it deserves. For these reasons, I support the proposition and the amendment.

PRESIDENT: I suppose Mr. G. Paramesvsran Pillai would like to make a few remarks.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I would like, with your permission, to reply to some of the observations made in the course of the debate.

PRESIDENT: Very well, you may.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am glad that the object of my amendment has been primarily achieved. My object was to elicit the opinion of Government as well as of the non-official gentlemen on this side of the House in regard to this most important question relating to the reconstitution of the Sri Mulam Popular Assembly. As has been observed by my friend Mr. K. Paramesvaran Pillai, the criticisms in respect of my amendment my be classified into two. There is one set of opinion that the Assembly itself does not

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serve any useful purpose after the constitution of this Council and that it may therefore be dispensed with. The other view is that, if all the functions proposed are granted to the Assembly, it would practically be an unnecessary duplication, creating a bicameral legislature, which is after all not worthy of being accepted in a small State like Travancore. In regard to the first class of critics I have only one answer to make, and that is this: Let them recall to their minds what exactly are the powers that they are entitled to exercise at present under the Legislative Council Regulation. What are their powers in relation to the various subjects that are excluded from the cognizance of this Council? I hope even they will concede that the subjects that are excluded are all of the most vital importance—much more important in certain cases than subjects which we are at liberty to discuss in this Council. In regard to these matters, where is the institution, I ask, where is the popular institution where we can ventilate our grievances, where we can express our own views for the prompt attention or at least the kind consideration of Government? If the Assembly—at present there is only the Assembly for us and if the Assembly itself is to be dispensed with, I do not know where we can ventilate those grievances. It is argued that this Council may be given those powers. I fully appreciate that sentiment. Unfortunately for me, in moving an amendment of this nature, I had to choose the only course left open to me. What is the procedure that I, as a member of this Council, can adopt to elicit an answer from the Government as to whether they will be prepared to treat the amendment as an amendment to the Legislative Council Regulation so as to include these excluded subjects in respect of which we deem it necessary that we should be given the privilege of discussion? I cannotsmove an amendment of that nature, and I cannot bring forward a motion in respect of that matter independently, because the Legislative Council Regulation prohibits it. The only way in which I could proceed is by requesting the Government to invest the Assembly with these powers. If I make a request of that nature I am within the ambits of law and procedure. Whether that request is accepted or not, the principle will be discussed and I may have an opportunity of placing my case before the Government. There will also be an opportunity for this House to discuss and record its opinion. I should not, therefore, be misunderstood as I find that I am.

It is not contended by me that the bicameral system of legislature is absolutely necessary or even needed for this country. I never discussed the merits of that system. The very object of my resolution, as has been rightly pointed out by my friend Mr. K. Paramesvaran Pillai, is to emphasise the necessity for further reform in one direction or another. There is a direction that I can think of in regard to the Legislative Council. I cannot however, discuss it here. Then, if I make the request "Let us have these subjects included in the Assembly so that we might discuss them there", then there will come an answer: "It is sufficient if the Council is enlarged".

We did not get that answer. I expected Mr. Subba Aiyar to tell us whether the powers of this Council would be widened and these excluded subjects would be left open to us, or whether the Assembly would be so liberalised that we would have ample opportunities and facilities there for actual discussion of such very important matters. In so far as that matter is concerned, Mr. Subba Aiyar was kind enough only to concede that Government did not intend to do away with the Assembly. I would request him to consider the question especially in the light of the observations made by you, Sir, in the course of the debate that the power to divide the House is even now with the President of the Assembly. The President, if he chooses, *may* ascertain the opinion of the House in regard to all matters under representation before that House. Then I ask, where is the objection in also accepting my humble suggestion, *viz.*, instead of leaving the discretion to the Chair, let us have it as a rule that in regard to important matters when they are discussed in the Assembly– at least such matters as are excluded from the cognisance of this Council when representations in the form of resolutions are moved in the Assembly, they may be discussed and that the Assembly may be asked to divide in order that the Government may ascertain the wishes of the House.

It was also suggested during the course of the debate that the President of the Assembly was unable to give definite and proper answers to representations made because of the vagueness of the representations made and of the indefiniteness of the subjects dealt with. This is one of the means whereby such a faulty system can at once be remedied, whereby the President can insist upon the members to bring particular resolutions in a definite form so that the House and the Government may also be able to understand it and make a pronouncement on the question. As it is, my purpose is to amplify the power already in the hands of the President. It will give an opportunity to the members as well as to the Government to proceed on definite lines in regard to the matters placed before the Assembly. I would also submit that, if such powers are granted to the Assembly in regard to at least these excluded subjects, there cannot be any serious risk. There is no case whatever made out on the other side to disqualify the Assembly from getting that power at least.

My friends' objections were mainly—not only Mr. Subba Aiyar but also some of my friends on this side of the House said so—that there would be chances of conflict. I can surely say that there will be no such chance of conflict in respect of those matters which are altogether beyond the scope of this Council.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I want to understand his position. May I know what is the constitutional position according to him of this Legislative Council, the scope of whose activities is restricted by statute, with regard to subjects which he proposes to entrust to the Assembly on the strength of the recommendations made by this Council?

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MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not understand him. I have said something else. I was dealing with the powers to be vested in the Assembly in respect of matters which are beyond the scope of this Council. In regard to other matters, I will come to them presently. In regard to matters which are already within the cognisance of this Council, what is the nature of the powers which you will give the Assembly, is the next reasonable question. In an index for point, I rely upon the good sense and the discretion of the members of the Assembly. I do not think the members of the Assembly, the popular representatives, are any way behind the members of this Council. They are equally competent and perhaps in certain respects more competent and probably are more representative of the people than many of us in this Council. I do not think that they themselves will waste the time of their own or of the Government by putting questions, or by moving resolutions on matters which have been already threshed out in this Council or fully answered by this Council. I think they would exercise reasonable discretion in not duplicating or overlapping functions. I am able to draw this presumption from the past which I have been able to observe, namely that repetition is not at all indulged in whenever it can be avoided. It is only when by repetition alone they can gain a point that the members in the Assembly repeat things. So then, I have discussed that one aspect with your permission. Being an important matter, I want some more time.

PRESIDENT: All right. You may take some more time.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In regard to the other side, *viz.*, that there will result a bicameral system of legislature, I have only one answer to make. There again, I have been gravely misunderstood. I never put forward any plea for the creation of the bicameral system. None of the clauses in my amendment imply a bicameral legislature. Mr. Krishna Aiyangar said that, in spite of my disclaimer to the contrary, it would nevertheless be a bicameral legislature that will be created. With some knowledge of history and political science which I have been able to obtain, I am not convinced that my disclaimer is erroneous. When I asked for an extension of powers to the popular chamber, I asked for those powers reflecting the opinion of the masses as discussed or disclosed by the delegates sent up by a very vast electorate. By merely disclosing or reflecting public opinion in regard to certain matters without the further function of formulating and legislating, I do not consider that body would become a legislative body. The legislative and formulative functions will certainly vest not in the Assembly, but in the Legislative Council proper, and I consider that it is absolutely essential in the nature of the country and the nature of the constitution of this Council in its present state that such an institution ought to exist. The constitution of this Council, Sir,—I am not going to deal with the provisions of the Council Regulation, but I say that it is my conviction that the constitution of the Council—does not correspond to

the wide popular chamber, I mean a popular chamber widely representative of the people, especially the rural classes. The number of seats based on territorial basis here is less than the majority of the total number of seats in the Council. Twenty-three form the number of members returned on territorial basis. I consider any popular body to be really representative of the interests of the masses only in case there is a preponderance of majority in regard to members, who really represent the rural classes on a territorial footing. As rightly observed by Mr. Krishna Aiyangar, we here are composed mainly of trained professional men who are at least by one degree removed from the ordinary masses.

In regard to the Popular Assembly, my friend Mr. Krishna Aiyangar said that there might be chances of questions relating to fiscal matters such as taxation and finance, being more satisfactorily dealt with from the point of view of the actual tax-payer in the Assembly than in a Council of this constitution. I fully agree, and that is my justification for asking for such an Assembly to exist in order that it may really reflect what the people feel on matters of such importance. I submit therefore that there can arise no conflict in regard to the functions exercised by a popular chamber of that nature and a legislative body of this type. It is, therefore, my submission that I should not be misunderstood as suggesting the introduction of a bicameral legislature in the sense in which it exists in England or in British India, as the House of Lords and the House of Commons or as the Council of State and the Legislative Assembly. It is not my idea that we should have two legislative bodies to exercise powers concurrently.

I would also submit, before I close, one more point, Sir. I said there were certain subjects which are excluded from the province of this Council. Where is the opportunity for us to express our opinion in regard to such legislative measures which are passed independently of this Council? I say, let us have popular chambers which may be consulted at least on general principles. The reasons which perhaps weighed with the Government in taking away these functions and powers from this Council may perhaps hold good in the case of the Popular Assembly but there is this safeguard so far as the Government are concerned. The Assembly does not legislate and you do not get its sanction in regard to those measures. I ask my non-official friends whether, after all, it is a crime to institute such a chamber which will be consulted in regard to measures which will certainly be open to them to discuss before they are passed into law. I have only to submit that, in regard to the several criticisms that were advanced on this side of the House, they really arise out of a misunderstanding of the entire subject; and so far as my friend Mr. Velu Pillai is concerned, I must observe that he said that he was fully in favour of very much larger powers being conferred upon the Assembly and that he had been contending for the same in successive sessions of the Assembly. He said that these powers which I suggest would not certainly be acceptable though he was not prepared to give any indication of the parti-

[Mr. Tariatu Kunjitomman.]

cular lines of reform at the back of his mind, for the simple reason that he has not framed any definite scheme on the point.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): All that I said was that I did not come prepared with a formulated scheme. I have bestowed some attention on the subject and I may refer my friend to page 193 of the authorised report of the proceedings of the Sri Mulam Popular Assembly of 1097. I did not give a scheme on the spur of the moment because I thought it would be rash. I merely argued that the resolution, as it is, cannot be accepted.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My only request, Sir, in conclusion, is that we expect to have the benefit of a really progressive scheme to be formally discussed and accepted by this Council at a very early date, either from my friend Mr. Velu Pillai, or from somebody else in this House. With these observations. Sir, I beg to commend my amendment for the acceptance of the House.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): എന്റെ പ്രമേയം പ്രജാസഭയുടെ പൊതുജനപ്രാതിനിധ്യത്തെയും പ്രയോജനത്തെയും വൎദ്ധിപ്പിക്കത്തക്കവണ്ണം വോട്ടവകാശം നികുതി സംബന്ധിച്ച ഒരു രൂപായായി കുറയ്ക്കണമെന്നും ചോദ്യങ്ങൾ ചോദിക്കുന്നതിനും പ്രമേയങ്ങൾ അവതരിപ്പിക്കുന്നതിനും അവകാശം നല്കണമെന്നുമാണല്ലോ. എന്നാൽ പ്രമേയത്തിലെ വോട്ടവകാശം സംബന്ധിച്ച ഭാഗത്തെ ചിലർ തെറ്റിദ്ധരിച്ചു എന്നു ഞാൻ വിചാരിക്കുന്നു. ഒരു രൂപാ കരം കൊടുക്കുന്നവൎക്കും വോട്ടവകാശം കൊടുക്കണമെന്നു പറഞ്ഞതുകൊണ്ട് ഇപ്പോൾ ഉന്നതപരീക്ഷാവിജയികൾക്കും ഒരു ക്ലിപ്തസംഖ്യ വരുമാനമുള്ളവൎക്കും ഉള്ള വോട്ടവകാശത്തെ എടുത്തുകളയണമെന്നോ ഒരു രൂപായിൽ കുറഞ്ഞ കരം തീരുവയുള്ളവൎക്കു കൂടി വോട്ടവകാശം കൊടുക്കാൻ പാടില്ലെന്നോ ഞാൻ അൎത്ഥമാക്കീട്ടില്ല. കരം ഇല്ലാത്തവരുടെ പേർവിവരം ഗവൎൺമെന്റിലില്ലല്ലോ. അതുകൊണ്ട് അവരെ വോട്ടറന്മാരായി ക്ഷണിക്കുന്നതിനൊ അവരുടെ പേർ പ്രസിദ്ധപ്പെടുത്തുന്നതിനൊ പ്രയാസമുണ്ട്. അതുകൊണ്ടാണ് കരം സംബന്ധിച്ച ഒരു വ്യവസ്ഥ വേണമെന്നു വിചാരിച്ച് ഒരു രൂപാ നിശ്ചയിച്ചത്. അങ്ങനെയല്ലെങ്കിൽ ഓരോ നിയോജകമണ്ഡലത്തിലെയും വോട്ടറന്മാരുടെ പേരുവിവരം അറിയാൻ നിവൃത്തിയില്ല. ഇപ്പോൾ പ്രജാസഭാവോട്ടറന്മാൎക്കെല്ലാം താലൂക്കിൽ നിന്നും എഴുത്തുകൾ അയയ്ക്കുകയാണ് ചെയ്യുന്നത്. അതുകൊണ്ടാണ് ഞാൻ കരത്തെ അടിസ്ഥാനപ്പെടുത്തി സംസാരിച്ചത്. എന്റെ സ്നേഹിതന്മാരിൽ പലൎക്കും വോട്ടവകാശം ഒരു രൂപാ കരമായി കുറയ്ക്കുന്നതിൽ

അനുകൂലാഭിപ്രായമില്ലെന്നു കാണുന്നു. വോട്ടവകാശം ഭേദപ്പെട്ടുത്താത്ത പക്ഷം സഭയ്ക്കു കൂടുതലധികാരം ആവശ്യമില്ലെന്നാണ് എന്റെ അഭിപ്രായം. എന്തെന്നാൽ കരം കുറഞ്ഞ പൊതുജനങ്ങളെ നിയന്ത്രിക്കുവാൻ കൂടുതൽ കരം തീരുവയുള്ളവരെങ്കിലും അല്പപക്ഷക്കാരായ പ്രഭുക്കളുടെ പ്രതിനിധികൾക്കു അധികാരം നല്കുന്നതു നന്നല്ല.

എന്റെ പ്രമേയത്തെ അധികം ആളുകളും അനുകൂലിക്കുന്ന ലക്ഷണം കാണുന്നില്ല. എങ്കിലും ഇതു് ഇവിടെ പ്രസ്താവിക്കേണ്ടതു് എന്റെ ഒരു കടമയാണ്. അതു ഞാൻ നിർവഹിച്ചിരിക്കുന്നു. എന്റെ പ്രമേയത്തെ അധികം ആളുകൾ അനുകൂലിക്കാത്തതുകൊണ്ട് ഇതു വോട്ടിനിടണമെന്നു വിചാരിക്കുന്നില്ല. പ്രമേയം പിൻവലിച്ചിരിക്കുന്നു.

PRESIDENT: If he withdraws the resolution, I think the amendment also falls.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): When there is an amendment to the resolution, is it open to the mover of the resolution to withdraw without the permission of the mover of the amendment?

PRESIDENT: The mover of the amendment is one of the members of this House. If he likes he may object to the withdrawal, and have the question put to the vote.

The resolution was, by leave, withdrawn.

PRESIDENT: If the House has no objection, the session may now be adjourned. We have only fifteen minutes more. If we take up the next resolution, I believe, it may take at least an hour. I should like to know the opinion of the House.

The Council adjourned at 4-45 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Wednesday, 16th January, 1924.

(OFFICIAL REPORT.)

The Council met in the Victoria Jubilee Town Hall at Eleven Thirty-four of the Clock, with the President in the Chair.

NEW MEMBERS.

The following gentlemen were sworn in:—

Mr. K. George (*Financial Secretary to Government*):

Mr. K. Paramesvaran Pillai (*Ag. Director of Agriculture and Fisheries*);

Mr. L. R. Raja Raja Varma Koil Tampuran (*Edaragais*): and

Mr. C. Sankara Menon (*Quilon*).

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Revenue Work in Certain Pakuthies of the Chirayinkil Taluk.

86. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): With reference to the nine *pakuthies* in the Chirayinkil taluk from which Government do not collect public revenue, as stated in the Appendix to the answer to question No. 38 asked at the meeting of the Legislative Council held on the 22nd November, 1922, will the Government be pleased to state:

(1) whether the Tahsildar and the Assistant Tahsildar of the Chirayinkil taluk attend to and exercise their legitimate duties relating to revenue and land records maintenance work in those nine *pakuthies*; and

(2) whether they are not invested with powers to dispose of the following items of work in the said *pakuthies*:—

(*a*) *pokkuvaravu* cases;

(*b*) sub-division work;

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[Mr. M. R. Madhava Variar.]

(*c*) inspection of rent-roll and B registers ;
(*d*) disposal of boundary disputes ; and
(*e*) supervision of survey maps ?

(3) Are the Government aware that great difficulty is felt by the land-owners of the said *pakuthies* owing to the negligence of officers as regards the above items of work?

(4) Has the Division Peishkar, Trivandrum, ever visited those *pakuthies* ?

(5) Does the Tahsildar collect income-tax from those *pakuthies* ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(1) The Tahsildar has been asked by the Land Revenue Commissioner to supervise the sub-division of *porambokes* and the detection of encroachments in the seven *pakuthies* belonging to *Sripadam*, done by the *Sripadam* village officers. The encroachments detected in respect of the two *pakuthies* of the Kilimanur *Edavagai* are also dealt with by the Tahsildar. As regards collection of tax the Tahsildar exercises the powers conferred upon him under the Revenue Recovery Regulation and the Estates' Rent Recovery Regulation.

(2) (*a*) The Tahsildar has not been invested with the power to dispose of *pokkuvaravu* cases in these nine *pakuthies* and the work is not being attended to by him.

(*b*) The Tahsildar has not been authorised to attend to sub-division work in these *pakuthies*.

(*c*) Under section 5 of the Estates' Rent Recovery Regulation the rent roll and other accounts bearing upon the land are subject to the supervision of Government and consequently it is open to the Tahsildar to inspect these accounts.

(*d*) The Tahsildar or the Assistant Tahsildar has not been empowered under the Survey and Boundaries Regulation to dispose of boundary disputes. If, however, the Dewan Peishkar refers to the Tahsildar any case of boundary dispute, he may then act under section 23 of the Regulation.

(*e*) The Tahsildar has not been invested with the power to supervise survey marks, except in respect of *porambokes* already referred to. The course of action possible in regard to other survey marks is laid down in section 21 (iii) of the Regulation.

(3) Government have no information.
(4) The answer is in the negative.
(5) The answer is in the affirmative.

Grants to Sanskrit Schools.

87. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Will the Government be pleased to state whether they make any difference between Vernacular Primary Schools and Sanskrit Schools in the matter of grants-in-aid ?

(*b*) Will the Government be pleased to state the amount of grant paid to each Sanskrit School in the State?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Ordinarily no difference is made between Vernacular Primary Schools and Sanskrit Schools in the matter of grants-in-aid.

(*b*) Name of School.		Amount of grant per mensem. Rs.
1. The Advaitasrama Patasala, Alwaye.	...	80
2. The Vijnanasandayini Sanskrit School, Omallur.	...	22½
3. The Changankulangara Sanskrit School, Ochira.	...	15
4. The Adhyatma Vidyasramam Sanskrit School, Adur.	...	22½
5. Njarakkal Sanskrit School.	...	7½
6. Koipalli-Karanma Sanskrit School.	...	15
7. Mankompu Sanskrit School.	...	15

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to state why certain schools are paid Rs. 15, while others are paid Rs. 80?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): In the case of the Advaitasrama Patasala, Alwaye, a special lump grant of Rs. 80 is paid. In regard to the other schools detailed above, only the ordinary grant payable to vernacular schools under the Education Code is paid. The only exception is the Alwaye Advaitasrama Patasala, which was the earliest school to be started and which teaches up to a high standard.

Criminal Court Vakils.

88. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Are the Government aware that District Magistrates are permitting some persons not qualified in law to practise in criminal courts as vakils?

(*b*) Will the Government be pleased to state whether any qualifications are fixed by the Government for those who wish to practise in criminal courts?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No persons not qualified in law are allowed to practise in criminal courts as vakils. A few persons not qualified in law are, however, allowed to plead as law agents under Criminal Circulars Nos. 13 and 15 of 1075 of the High Court, while *Mukthiyars* and other agents are also very sparingly allowed to appear, in exercise of the discretionary power vested in Magistrates under the Criminal Procedure Code.

(*b*) Yes. These are mentioned in pages 196-206 of the *Digest of Criminal Circulars* issued by the High Court (1910).

[Mr. R. Krishna Pillai.]

Construction of a Bridge at Puvar.

89. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to state what action has been taken by them on the representations made in the Popular Assembly and to the P. W. D. authorities regarding the construction of a bridge at Puvar, Neyyattinkara taluk?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Chief Engineer is investigating the matter. A junghar will be provided for ferrying carts, etc., across.

Revenue Appeals disposed of by the Devicolam Commissioner.

90. MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state how many revenue appeals were filed before, and how many disposed of, by the Devicolam Commissioner during 1095, 1096, 1097 and 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* furnishing the required information is laid on the table.

Original Revenue Cases investigated by the Devicolam Commissioner.

91. MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state how many original revenue cases were directly investigated by the Devicolam Commissioner during 1095, 1096, 1097 and 1098, excluding those referred to Tahsildars for investigation and report?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement† furnishing the required information is laid on the table.

Cardamom Registry Applications disposed of by the Devicolam Commissioner.

92. MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state how many fresh cardamom registry applications were filed before, and how many disposed of, by the Devicolam Commissioner during 1095, 1096, 1097 and 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement‡ furnishing the required information is laid on the table.

Poramboke Appeals disposed of by the Devicolam Commissioner.

93. MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will the Government be pleased to state how many *poramboke* appeals were filed before, and disposed of, by the Devicolam Commissioner during 1095, 1096, 1097 and 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement§ furnishing the required information is laid on the table.

* *Vide* Appendix I—page 417.
† *Vide* Appendix II—page 417.
‡ *Vide* Appendix III—page 418.
§ *Vide* Appendix IV—page 418.

Statistics re. Under-trial Prisoners.

94. MR. N. KUMARAN (*Nominated*): Will the Government be pleased to place on the table a statement showing:

(*a*) the number of under-trial prisoners in the years 1096, 1097 and 1098;

(*b*) the percentage of conviction among such prisoners; and

(*c*) the average length of time they were confined as under-trial prisoners?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

	1096	*1097*	*1098*
(*a*) Number of under-trial prisoners...	1,226	1,177	1,333
(*b*) Percentage of conviction ...	61·47	64·91	59·88
(*c*) Average number of days ...	19·57	18·92	17·76

Treatment of Under-trial Prisoners.

95. MR. N. KUMARAN (*Nominated*): (*a*) Are the Government aware that under-trial prisoners are treated much worse than convicted persons, in so far as daily baths, clean clothes and shaving are denied to them?

(*b*) Will the Government be pleased to state what arrangements, if any, exist in respect of the aforesaid needs of under-trial prisoners?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) There are no arrangements for the provision of clean clothes and shaving to the under-trial prisoners at Government cost; but no impediments are placed in the way of their availing themselves of the above conveniences when supplied by their relatives.

(*b*) The question of improving the conditions under which under-trial prisoners are detained is engaging the attention of the Government.

Lodging of Under-trial Prisoners.

96. MR. N. KUMARAN (*Nominated*): Are not the Government aware that under-trial prisoners are lodged in insanitary cells and that they are found to be the carriers of germs of many diseases endangering the safety of the public or the convicts whom they have to join on acquittal or conviction, as the case may be?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The lock-ups in which the under-trial prisoners are lodged are reported to be not insanitary.

Medical Inspection, etc., of Under-trial Prisoners.

97. MR. N. KUMARAN (*Nominated*): Will the Government be pleased to take early steps for making the lot of under-trial prisoners more bearable and to arrange for a periodical medical inspection of these cells and their occupants?

[Mr. N. Ramakrishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to question No. 114. The medical inspection of the cells occupied by under-trial prisoners has already been ordered (G. O. D. Dis. No. 1903 of 23/Judicial, dated the 6th July, 1923).

Fees in Vernacular Higher Grade Training Schools.

98. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): (*a*) What is the rate of fee fixed for the students undergoing training in the Vernacular Higher Grade Training Schools of the State?

(*b*) Is it true that a lower rate of fee was being collected from the students of the Vernacular Higher Grade Training School at Changanachery and Nagercoil. while a higher rate was being collected from the students of the Kottarakara Training School?

(*c*) If so, was it done for any special reasons?

(*d*) For how many years was the lower rate of fee being collected?

(*e*) What is the amount of loss incurred on this account?

(*f*) If there is loss, who are the officers responsible for the same?

(*g*) Was any action taken by the Government or the educational authorities in this matter, and, if so, with what result?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The member is referred to Rule 185 (*b*) of the Education Code.

(*b*) A lower rate of fee is reported to have been collected from the students of the Vernacular Higher Grade Training School, Changanachery, the rate of fee collected from the students of the other two Training Schools being the rate specified in Rule 185 (*b*) of the Education Code.

(*c*) By mistake.

(*d*) About two years.

(*e*) Rs. 540.

(*f*) The inspecting officers of the vernacular branch of the Department.

(*g*) The matter is under enquiry.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state by whose mistake the lower rate of fee was collected?

PRESIDENT: You have the answer in (*f*).

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in (*f*). The mistake is on the part of the inspecting officers of the vernacular branch of the department.

Cartable road from Kadutturutti to Piravam.

99. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state:

(a) whether they have received any petition from the inhabitants of Mulakkulam in the Vaikam taluk praying for the opening of a cartable road from Kadutturutti to Piravam;

(b) whether the Public Works Department has surveyed the line from Kadutturutti to Piravam more than once, and, if so, in which years;

(c) whether any plan or estimate for the work has been submitted to the Government; and

(d) whether the attention of the Government has been drawn to the fact that there are no roads connecting Mulakkulam with the adjoining villages and that the Kadutturutti-Piravam road, if opened, will be the shortest road from Muvattupuzha, Todupuzha and the neighbourhood, to Vaikam and adjacent places?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) Yes.

(b) The line from Kadutturutti to Piravam and thence to Peppatippara on the Cochin frontier was taken up as one road and investigated during 1096 and 1097. Of this, the section from Piravam to Peppatippara has been estimated and funds provided for executing the work in the budget for 1099. The other section from Piravam to Kadutturutti has been surveyed and traced and the estimate is under preparation.

(c) The member is referred to the answer to part (b).

(d) Yes.

Discontinuance of Grant to the Velliapalli Vernacular School.

100. MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Will the Government be pleased to state:

(a) why the grant for the Velliapalli St. Thomas Vernacular School in the Minachil *pakuthi* was stopped;

(b) whether the people of the locality have not constructed a *pucca* building costing about Rs. 2,000 as per plan approved by the Government;

(c) whether the Government have not promised to give a grant to the institution and continue to pay the same for sometime;

(d) whether they have given any building grant to the said school; and

(e) whether the Government would be pleased to take early steps to disburse the grant with arrears?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) The grant was held in abeyance pending enquiry into certain alleged irregularities.

(b) The people have constructed a building, but not as per approved plan, nor is its cost known to the Education Department.

[Mr. R. Krishna Pillai.]

(c) The department for a time gave a grant to the school, but made no promise as to its indefinite continuance.

(d) The answer is in the negative.

(e) This can be decided only after the enquiry referred to in the answer to part (a) is concluded.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Will the Government be pleased to state when the enquiry began and when it is likely to be over?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

Serving of Processes in District Courts.

101. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In view of the civil circular on the subject, will the Government be pleased to ascertain from the High Court and lay on the table the average percentage of personal service by a process-serving peon in any District Court, preferably the Kottayam District Court?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* containing the required information is placed on the table.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know why the details regarding the Trivandrum District Court are not available?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): They are not found in the statement furnished to the Government.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the member in charge will call for the details and also for explanation as to why the details are not available?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The details have not been called for. They will be called for.

Process-Servers in Civil Courts.

102. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Has any notice been taken of the conduct of the process-servers who have fallen far below the percentage fixed by the High Court for personal service?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Due notice, in the shape of warnings and fines, has been taken by all the District Courts, except Kottayam, of the conduct of process-servers whose work has fallen far below the percentage fixed by the High Court. The High Court is taking the necessary action in regard to the omission on the part of the District Judge, Kottayam, to take notice of the failure of the process-servers of his court to work up to the prescribed percentage.

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* *Vide* Appendix V—page 418.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any case of dismissal on account of chronic disobedience on the part of any process-server whose work has fallen far below the percentage fixed by the High Court?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No information is available.

Enhancement of Tree-tax in Cochin.

103. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state whether the Cochin Government have been addressed to enhance the tree-tax as far as practicable, and, if so, with what result?

(*b*) Are the Government aware that, while the Cochin Government levy a low tree-tax, it is made up by a large rental which equalises the price of toddy in the bordering taluks of Cochin and Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The Cochin Government was addressed with a view to enhance the rates of tree-tax prevailing in Cochin. As a result, that Government has now raised the tree-tax as follows:—

Cocoanut	...	Bh. Rs. 2 per year.
Palmyra	...	Annas 12 per year.
Chundapana	...	Bh. Rs. 4 per year.

(*b*) Government are not aware.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that in the coming contract the tree-tax has been raised to the same level as that in Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The latest figures known have been given in the answer.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that in the coming year the tree-tax has to be enhanced to the same level as in Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*). Government have no information.

PRESIDENT: You mean the Cochin Government, Mr. Hoogewerf?

MR. A. HOOGEWERF (*Nominated*): Yes, Sir.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information in the matter.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that the price of toddy in Cochin is the same as the price of toddy in the border of Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): This question was asked by Mr. Hoogewerf himself on a former occasion and it was then answered (*vide* page 344, Vol. IV, of the Legislative Council Proceedings).

[Mr. M. N. Pillai.]

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that while the Cochin Government levy a low tree-tax it is made up by a large rental?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): This is clause (*b*) of question 125 to which the answer is there: "Government are not aware."

Special Consideration for War-service Men.

104. MR. M. N. PILLAI (*Trivandrum*): Are the Government aware that persons who have put in service during the late war are given special consideration in British India? If so, will the Government be pleased to allow the same concessions to those who are similarly situated in Travancore?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. Similar concessions have been allowed in Travancore to persons who have put in service during the war.

Counting of Overseas Service for Pension.

105. MR. M. N. PILLAI (*Trivandrum*): Is it a fact that the period of pensionable service overseas does not count towards pension in Travancore and, if so, will the Government be pleased to say whether they have any objection to revise the order so as to make it conformable to the rules obtaining in similar cases in British India?

MR. K. GEORGE (*Financial Secretary to Government*): No. The period of service overseas counts for pension in Travancore.

Work of the Soldiers' Committee.

106. MR. M. N. PILLAI (*Trivandrum*): How far, and in what way, has the Soldiers' Committee been instrumental in securing service for men who have returned from overseas service? How many of the recommendations of that committee in respect of overseas men have so far been accepted by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Soldiers' Committee has recommended 1,410 demobilised men of good character for employment. Of these 454 have been actually employed.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether they are going to extend the same privilege to the remaining 956 hands that are left unemployed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government are not in a position to know what sort of men the remaining 956 are.

PRESIDENT: You will please note the question.

MR. M. N. PILLAI (*Trivandrum*): I know the question. I want to know whether the remaining 956 will also be employed in service.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Four hundred and fifty-four have actually been employed. The remaining 956 have been recommended by the Soldiers' Committee.

MR. M. N. PILLAI (*Trivandrum*): How many hands have been employed during the last 6 months?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

Statistics re. Encroachments on Porambokc Lands in certain Taluks in the Kottayam Division.

107. MR. C. J. CURIEN (*Kottayam*): Will the Government be pleased to state the basis on which a fine of Rs. 200 is proposed to be inflicted in encroachment cases under the Land Conservancy Regulation—whether it is according to the difference in the area encroached upon or for each case, no regard being had to the extent encroached upon?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The fine of Rs. 200 provided under section 6 of the Land Conservancy Regulation is the maximum fine that can be inflicted in a single case of encroachment dealt with under the Regulation. The amount of fine to be imposed in each particular case is left to the discretion of the deciding officer in accordance with the merits of the case and is not necessarily dependent on the area encroached upon. Clause (ii) of rule 7 of the rules under the Land Conservancy Regulation (as amended by notification Dis. No 814 of 1922/Revenue, dated the 18th July, 1922), provides that 'no fine need be imposed in a case' of occupation 'which is considered to be unobjectionable by the Division Peishkar or other authorised officer', and that 'the fine to be imposed in an objectionable case should be really deterrent'. Clause (iii) of rule 9 also enjoins that, while dealing with objectionable occupations, the 'officers acting under the Regulation should exercise tact and discretion and should avoid unnecessary severity.'

Premises for the Kottayam Vernacular Middle School for Girls.

108. MR. C. J. CURIEN (*Kottayam*): Will the Government be pleased to state:

(i) whether the Government are aware that the vernacular middle school for girls at Kottayam has not an inch of ground for its premises; and

(ii) whether the headmaster has reported about the inconvenience experienced by the pupils and the staff for want of premises for the school, and, if so, the steps taken on his report?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(i) The answer is in the affirmative.

(ii) Yes. The matter is under correspondence.

[Mr. S. Paramesvara Aiyar.]

Delay in Disbursement of Salaries of the Vernacular School Teachers.

109. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Are the Government aware that vernacular school teachers are not given their salaries for two or three months together when they are transferred from one place to another?

(*b*) Will the Government be pleased to change the procedure in order to alleviate the distress of the teachers concerned?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) This does not arise, in view of the answer to part (*a*).

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Patanamtitta*): May I know whether the Government have made any enquiry in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have enquired into the matter. There is absolutely no delay in the payment of salaries, on account of the transfer of teachers.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Are the Government aware that teachers do not get their salaries for two or three months together for any reason whatever?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): In regard to that matter Mr. Madhava Variar himself has asked a question, and Government will be in a position to explain it when that question is answered.

Appendix I.

***Vide* Answer to Question No. 90.**

Statement of revenue appeal cases disposed of by the Devicolam Commissioner during the years 1095, 1096, 1097 and 1098.

Year.	Nature of appeal.	No. for disposal including previous years' balance	Number disposed of.
1095	Appeals under the *puduval* rules.	2	2
	Appeals under the Land Conservancy Regulation.	1	...
	Appeals under the Revenue Recovery Regulation.	1	1
	Appeals against departmental orders.	1	1
1096	Appeals under the Land Conservancy Regulation.	6	5
1097	Do.	2	2
	Appeals under the Revenue Recovery Regulation	1	1
1098	Appeal under the Land Conservancy Regulation.	1	...

Appendix II.

***Vide* Answer to Question NO. 91.**

Statement of Revenue Cases directly investigated by the Devicolam Commissioner during the years 1095 to 1098.

Nature of cases for disposal.	No. disposed of			
	In 1095	In 1096	In 1097	In 1098
(1) Transfer of *poramboke* to *tharisu* ...	53	9	6	36
(2) *Puduval* cases ...	2	10	2	...
(3) *Karampathippu* cases ...	...	15	6	...
(4) Escheat ...	6	2	2	...
(5) Cases under the Land Acquisition Regulation ...	4	3	1	1

Appendix III.

***Vide* Answer to Question No. 92.**

Statement showing the number of applications for Cardamom lands received and disposed of in the Devicolam Division during 1095 to 1098.

Year.	Number filed.			No. disposed of during the year.
	Pending at the beginning of the year.	Actually received during the year.	Total.	
1095 ...	186	173	359	125
1096 ...	234	21	255	121
1097 ...	134	3	137	96
1098 ...	41	1	42	15

Appendix IV.

***Vide* Answer to Question No. 93.**

Statement of appeals under the Land Conservancy Regulation disposed of by the Commissioner, Devicolam Division, from 1095 to 1098.

Year.	Balance at the end of the previous year.	No. filed in the year.	Total.	No. disposed of.
1095 ...	...	1	1	...
1096 ...	1	5	6	5
1097 ...	1	1	2	2
1098 ...	...	1	1	...

Appendix V.

***Vide* Answer to Question No. 101.**

Statement showing percentage of Personal Process Service.

Courts.	Percentage of Service.			Average percentage.
	1096	1097	1098	
Nagercoil District Court ...	61·00	56·6	62·5	60·00
Trivandrum Do. ...	No	details.		50·00
Quilon Do. ...		Do.		47·5
Alleppey Do. ...	64·19	64·7	64·65	64·30
Kottayam Do. ...	28·8	46·1	49·6	41·5
Parur Do. ...	48·00	50·00	48·00	48·6

STATEMENT LAID ON THE TABLE.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, under Rule 52 of the Legislative Council Rules, I beg to place on the table the following statement of expenditure authorised by Government under Section 16 (9) of the Legislative Council Regulation, II of 1097.

Demand No.	Amount Rs.	Remarks.
IX. Administration of Justice.	150	On account of the establishment of a Second Class Bench Magistrate's Court at Padmanabhapuram and the consequent appointment of a full-time copyist.
XX. Buildings, Communications and Miscellaneous Public Improvements.	3,700	On account of the expenditure in connection with the Workshops Committee.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND I—LAND REVENUE.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, I beg to move for a supplementary grant of Rs. 5,480 under Land Acquisition charges, under the head I.C.-Taluk Cutcherries. small amount is wanted to acquire a piece of land which projects into the Taluk Cutcherry compound at Shencottah. It is a piece of private land and I have got a sketch showing the compound which can be looked into in case anybody wants to see it. The matter was under correspondence for a very long time. In his inspection notes dated 9th June, 1919, the late Dewan, Mr. Krishnan Nair, observed as follows:

"There is a small plot of private land projecting into the Shencottah Taluk Cutcherry compound. It is not desirable to leave it in private hands as the Treasury is located in the Taluk Cutcherry. This piece of land should be acquired and added on to the Cutcherry compound. The Peishkar will be asked to submit proposals regarding it."

The Dewan Peishkar, Quilon, who was accordingly addressed in the matter wrote to say that the land in question measures 39 cents (Survey No. 113/8) and that Rs. 20 per cent would be a reasonable price for it, regard being had to the sales in the neighbourhood in recent years. It was also reported that there is an old building (abandoned coffee store) on the land. The Division Officer, Quilon, has estimated the value of the building at Rs. 4,699. The total value of the site thus comes to Rs. 5,479. There is no provision under "Land Acquisition charges" in I. C.—Taluk Cutcherries, nor is it possible to find this sum by diversion from other items. A supplementary grant of Rs. 5,480 may therefore be allowed under the above item.

I have also seen the place. The acquisition is very necessary. The private building which is inside the Taluk Cutcherry compound is a positive nuisance and a source of danger.

[President.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know from Mr. Robinson whether that cannot be walled off from the Taluk Cutcherry compound?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): No, I will show you the sketch.

PRESIDENT: Will you please send on the sketch to Mr. Madhava Variar, Mr. Robinson?

[The sketch was accordingly circulated among some of the non-official members.]

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know how long the Shencottah Taluk Cutcherry has been in existence with this projection into the compound?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I am not able to hear what the member says.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I wish to know from Mr. Robinson for how many years the Taluk Cutcherry has been in existence with this projection into the compound?

MR. S C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have no knowledge here on the subject. I can get the information. It has been in existence for a very long time, for over 12 years or so.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will he tell us what is the special inconvenience caused by this projection?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I think if you look at the map you will see the position.

PRESIDENT: You should address me, Mr. Robinson.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): If Mr. Krishna Aiyar will kindly look at the map, he will know the lay of the land.

MR. A. HOOGEWERF (*Nominated*): I wish to know from Mr. Robinson whether there is any urgent demand for this acquisition why we should not wait for the next budget and whether this will not militate against the spirit and the letter of the rules.

PRESIDENT: The last is a general question. You cannot put it to Mr. Robinson.

MR. S C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The matter has been pending for a very long time. The sooner we get rid of it the better. The price of land will go higher from year to year. The compensation will also be less if we purchase it soon.

MR. A. HOOGEWERF (*Nominated*): Sir,—

PRESIDENT: He has already told you, Mr. Hoogewerf, that it is a source of nuisance and danger.

MR. A. HOOGEWERF (*Nominated*): It has been pending for so many years. Then, why not wait till the next budget ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The sooner the better. It has been waiting for such a long time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to oppose the motion for this grant. From what Mr. Robinsoon has been telling the House, I gather that this is not a case of the sudden development of a sense of fastidiousness on the part of the Land Revenue Department in respect of the geometrical shape of the compound in which the Taluk Cutcherry is situated at Shencottah. The matter has been brought to the notice of the authorities during the time of the late Dewan, and why the matter was not included in the annual budget presented to this House has not been explained. Evidently, therefore, the authorities thought that this was not among those subjects which are of the urgent category. Why this subject should now be brought up has not been explained.

Mr. Robinson now says that, as time goes on, the price of land is likely to increase. If that is a true statement, the price of land has already been allowed to rise a good deal. Who is to be held responsible for that, has not been pointed out. To say that a small bit of land should be added when there is no real necessity for it except the vague apprehension due to the situation of the Treasury in the Taluk Cutcherry compound, is, I beg to submit, not enough to make out a case for the acquisition of the land in question.

From the statement of Mr. Robinson, I see that the land measures about 39 cents and that there is a rickety old building upon it. I fail to see why it should not be successfully walled off leaving the Taluk Cutcherry compound separate.

And then, as regards the price of the land, whether any investigation has been made in the locality is not clear. Whether the owner of the land has been questioned on the subject and what his demand is, have not been stated. In the light of all these circumstances, I would submit that the matter requires fuller discussion and that it should not be taken up as a supplementary grant, when it ought to have been brought in the regular budget. On these grounds, I oppose the motion.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): Sir, I beg to oppose the motion. Mr. Robinson has not been able to tell us how long this inconvenience has been felt, and we have to infer that the incovenience must have been felt for years together. One reason advanced by Mr. Robinson was that the price of land would be increased and that once we make up our mind to acquire it, we had better acquire it earlier. However, he has referred to a rickety building. If it is a rickety building it is sure to tumble one of these days and we need not then pay for that also. Moreover, this is a supplementary grant. There must be some emergency and suddenness in the necessity for its being brought forward as a supplementary grant. For these reasons, I also oppose the motion.

[Mr. S. C. H. Robinson.]

MR. A. HOOGEWERF (*Nominated*): For the same reasons, I also oppose the motion. I do not think it is in keeping with the spirit and the letter of the rules regulating supplementary grants to smuggle such a demand through the Council now. When I asked Mr. Robinson whether there was any urgent need for the land, he told us that the land was rising in value and so on. That reason seems to be his trump card. It does not seem to me to be quite convincing and he could not give us any better reason. I think that argument will not be accepted by this House. I therefore strongly oppose the demand.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Mr. Hoogewerf spoke about my trump card. I do not know what has led him to say that. In regard to the reasons, I am most willing to give them. Once more I may say that provision could not be made in the last budget as the value of the land had not been ascertained. I believe the matter was placed before the Finance Committee and they raised no objection. I may be mistaken, but the members of the Finance Committee will be able to say something about this.

As regards the walling off of the compound, it will mean a wall on three sides, and that will cost just as much as, if not more than, the price of the acquisition. If the members who have objected will look into the sketch, they will see how it projects into the Taluk Cutcherry. Then we want this land for erecting other Government buildings which are now situated in rented houses in Shencottah.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know from Mr. Robinson how many linear feet of wall will have to be put up?

MR. S. C. H ROBINSON (*Land Revenue and Income Tax Commissioner*): I think I showed the map to Mr. Krishna Aiyar and he has probably made the necessary calculations. I have not got the length of the sides here.

PRESIDENT: He too could not have done it then. (*Laughter.*)

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Has he made any estimate of the cost of the wall?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): No, I have not made an estimate.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Can he give the cost roughly?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I cannot say that. But I am told by a competent officer that the cost of the wall would be higher than the acquisition charges.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May we know whether he is a technical officer?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I am not in a position to answer him. Government should say that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does Mr. Robinson propose to go without a wall if this plot is added on to the Taluk Cutcherry?

PRESIDENT: No wall will be necessary.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The map will show it.

MR. C. SANKARA MENON (*Quilon*): May I know the area of the premises on which this Taluk Cutcherry is situated?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): 9·72 acres.

The Forest Department is now paying Rs. 40 a month for a private building as rent in the town of Shencottah and there are certain other houses also rented there for Government purposes. I have not got a complete list here. There are very many buildings in Shencottah which are rented for Government offices. When this acquisition is made and Government buildings constructed upon it, they will be much more satisfactory than rented houses.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): May I know whether these buildings can be constructed in the Cutcherry compound without the acquisition of this plot of land?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): If the members will see the sketch, they will be satisfied that the acquisition is necessary.

PRESIDENT: I shall put this motion to the vote.

(Mr. T. K. Velu Pillai stood up for speaking.)

PRESIDENT: Do you want to speak, Mr. Velu Pillai? I am sorry you are late.

The motion was put to the vote and carried, 24 voting *for* and 17 *against*.

MR. A. HOOGEWERF (*Nominated*): I demand a poll.

A poll was taken with the following result:—

AYES—24.

1. Mr. I. C. Chacko.
2. „ C. J. Curien.
3. „ R. Dhanukoti Pillai.
4. „ K. George.
5. „ L. C. Hodgson.
6. „ M. K. Khadir Pillai.
7. Rao Bahadur K. A. Krishna Aiyangar.
8. Mr. R. Krishna Pillai.
9. Dewan Bahadur Dr. P. N. Lakshmanan.
10. Mr. T. Lakshmana Pillai.
11. „ K. V. Natesa Aiyar.
12. „ J. John Nidiry.
13. Mr. K. Paramesvaran Pillai. (*Tiruvalla.*)
14. „ S. Paramesvara Aiyar.
15. „ K. Paramesvaran Pillai (*Ag. Director of Agriculture*)
16. „ P. Paramesvaran.
17. „ W. H. Pitt.
18. „ M. Raja Raja Varma.
19. Rao Bahadur K. V. Rangaswami Aiyangar.
20. Mr. S. C. H. Robinson.
21. „ V. Subba Aiyar.
22. „ A. J. Van Ross.
23. „ Trivikramar Vasudevar.
24. „ T. K. Velu Pillai.

[Mr. R. Krishna Pillai.]

NOES—17.

1. Mr. T. M. Chidambaratanu Pillai.	9. The Rev. Fr. Kuriakose Vettikkapalli.
2. " A. Govinda Menon.	10. Mr. M. R. Madhava Variar.
3. " A Hoogewerf.	11. " K. C. Mammen Mappillai.
4. " C. P. Kochukunju Pillai.	12. " P. K. Narayana Pillai.
5. " S. Krishna Aiyar.	13 " M. N. Pillai.
6. " N. Kumaran.	14. " Joseph Panjikaran.
7. " T. Kumara Pillai.	15. " N. Ramakrishna Pillai.
8. " V. Kunjukrishna Pillai.	16. " C. Ramankunju.
	17. " C. Sankara Menon.

NEUTRALS—4.

1. Mr. S. Adam Sait.	3. Mr. L. R. Raja Raja Varma.
2. " G. Paramesvaran Pillai.	4. " K. Dominic Tomman.

DEMAND VII GENERAL ADMINISTRATION.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I rise to move for a supplementary grant not exceeding Rs. 2,000 under General Administration. This is intended to cover the establishment and contingent charges of a Special officer proposed to be engaged mainly for the purpose of overhauling the Huzur records.

The condition of these records is not satisfactory. Prior to 1904, there was no regular system of file-keeping as understood at present. The records were kept in covers and bundles without any attempt to arrange them subjectwar. In 1904, the open file system was introduced, along with the new Secretariat scheme. The chief feature of the system was that references bearing on the same subject, however remote their connection might be, were put up together, so that the files had to be kept open, sometimes for years together, without being closed. Another serious drawback of the system was that important papers were not separated from the unimportant ones which could be destroyed after a certain period; nor was there any effective means of checking the arrears in the different Sections of the Secretariat. With a view to obviate these defects a simplified form of the disposal number system obtaining in British India was introduced in 1921; but the files disposed of under this system have not yet been transferred to the Records office, so that the files and papers which now encumber that office are those relating to the period anterior to 1921. Repeated efforts, more or less of a spasmodic nature, appear to have been made to overhaul these records. Several years ago, the late Mr. Sawyer, while in charge of the records, sorted and arranged some of the old covers and bundles, prepared an index for them and also had two volumes of the index printed. Later on, in the middle of 1918, a temporary staff of 8 clerks under a Special Superintendent was appointed for sorting and arranging the records. They completed the indexing of about 35,000 files relating to the period from 1904 to 1918 and the listing and indexing of about 3,000 covers of the earlier period. This staff was disbanded towards the close of 1920. Early in 1921, one of

the Assistant Secretaries was put in exclusive charge of the records and he was given a temporary staff of four clerks for the examination and destruction of obsolete records. This staff continued for a year and a half and was disbanded in the middle of 1922. They examined 5,000 bundles (about 3,00,000 letters) and destroyed a portion of the obsolete records. No further work in that direction has been carried out since the disbandment of the special staff.

The most important items of work now remaining to be done in this connection are the following:—

1. the examination of—

(*a*) twenty-two almyras of unindexed bundles, about 3,226 in number, classed as 'important';

(*b*) twelve almyras of indexed covers consisting of 1,856 bundles;

(*c*) 1,50,000 files consisting partly of those indexed by the special staff during 1918 to 1920 and those received subsequently, but not indexed;

(*d*) bundles left untouched by the special staff employed from 1921 to 1922; and

(*e*) newspapers, magazines, maps and printed papers of a miscellaneous nature;

2. the destruction of such of them as are obsolete and useless;

3. the indexing and preservation of the remaining records; and

4. the selection of important papers for printing.

There are papers of great importance mixed up with a very large volume of useless old papers, and the former have to be carefully sorted and printed or otherwise preserved, while the latter have to be destroyed and the large space which they now occupy set free. These are important items of work which should be attended to promptly and under the close and direct supervision of an experienced officer, thoroughly conversant with the handling of old records. The officer Government have in view possesses this special experience and is stated to have done this kind of work successfully in Madras. He has been an officer of the Madras Secretariat for a long time and has just retired.

I have already said that the disposal number system was introduced in the Secretariat in 1921. Subsequent experience has shown that there is a good deal of difficulty in fitting this new system into the old open file system which was obtaining previous to it and consequently it has not been found possible yet to split the old files and to co-ordinate the new records with the old records and send them into the record room to be arranged there in their proper places. Consequently all the records subsequent to 1921 continued to remain in the various sections and there is congestion of room as also considerable impediment to the speedy disposal of work.

The Special Officer will see to the removal of all the papers in the various sections which have received final disposal to the record room, to the destruction of papers which require to be destroyed, and, to the

[Mr. J. John Nidiry.]

arrangement in their proper places of all the papers which require to be retained, thereby introducing system and arrangement in the old records up to the year 1923.

This Special Officer was engaged in Madras, for some time before his retirement, in introducing a simplified and improved system of office routine and procedure in the Secretariat and in working a newer system of record-keeping known as the Tottenham System.

While introducing such improvements in economics into the Huzur Cutcherry here, the Special Officer will also train some of our officers to continue these improved methods and to extend them to the other officers in Trivandrum and in the mofussil.

At present there is no regular stock-taking of the stationery and printed forms by an independent officer. It is considered desirable that this work should be done by the Special Officer as his experience of simplified office system would enable him to say to what extent economies could be introduced in stationery and printed forms, and therefore it is proposed that he should be asked to check the stock, all stationery and printed forms in charge of the Superintendent of Stationery.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether it would not be possible to send one of our officers to Madras and other places for training?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, it is possible.

These are the main items of work proposed to be entrusted to the Special Officer. These items have to be attended to without diversion of attention to other work by a Special Officer of considerable experience, as the delay that has already occurred is seriously hampering the despatch of business in the Secretariat and indirectly in the subordinate offices also.

MR. JOSEPH PANJIKARAN (*Shertallai*): Was not this necessity felt at the time when this year's budget was introduced?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): This was felt all along.

MR. JOSEPH PANJIKARAN (*Shertallai*): Was this matter presented before the Finance Committee and did they discuss it?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, they discussed it.

MR. A. HOOGEWERF (*Nominated*): Why was this matter not brought forward when the last budget was discussed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not possible to bring forward every conceivable scheme when the general State budget is discussed.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know who this officer is?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): He is a retired officer of the Madras Secretariat. I do not think it is necessary to mention his name at this stage.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): How long is it since he retired?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): He retired very recently.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Have any changes been introduced now in the Madras Secretariat?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): Changes have been introduced.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): When?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): Since 1921.

Mr. A. HOOGEWERF (*Nominated*): Is it a complicated system?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not a very complicated system.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether the sorting of records does not require some Travancorean or somebody who knows Travancore conditions?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): The presence of an officer of this Government will be of considerable help to the special officer.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): But I think sorting is the only work now referred to him.

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not the only work.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I believe sorting is the main work referred to.

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sorting is not exactly the main item of work to be done.

It is proposed to engage him for the present for a period of six months on payment of a salary of Rs. 500 per mensem and travelling charges for his journey from Madras and back. He may require a small staff to start with. No details of the staff can be given now. Hence a lump sum of Rs. 2,000 is asked for, for meeting the cost of the staff and the contingent charges.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether Government have tried to send over anybody to study the system obtaining outside the Madras Presidency?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): No, Government have not.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I also know whether the system that has been sought to be introduced is the best that we can possibly get at present?

[Mr. A. Hoogewerf.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Of course, literature regarding the system obtaining elsewhere is available for perusal.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Have the Government gone into the literature and found the system to be the best?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have had no opportunity of going into all the literature on the subject.

MR. A. HOOGEWERF (*Nominated*): Is it the same system as that obtaining in Simla now?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I oppose the demand. I think that some officers from the Secretariat may be sent to Madras, Bombay or Calcutta to study the systems obtaining there and then to overhaul the Secretariat. If this question is very urgent, I think it would have been brought up when the budget was discussed; and if the Secretariat is to be overhauled there is ample time for some of the officers to go to Madras or Bombay and to study the system and this sum can be granted at the next budget. So I oppose the demand.

MR. A. HOOGEWERF (*Nominated*): Sir, I too oppose the demand. I said, when opposing the previous demand, that such supplementary demands are not in keeping with the spirit and the letter of the rules regulating supplementary grants. There is no special urgency in the matter. This is not a new thing that has come upon the Secretariat all at once. These are two conditions which are more or less necessary when introducing supplementary demands.

I listened to the story of the Government member. Though I have the highest regard and respect for him, I fear he has given away the whole show. It is certainly not creditable to the Secretariat. Things have been allowed to drift. Some attempts have been made to rectify matters, but they have again drifted on, and now everything is, more or less, in a squash. We want an outsider to come in and put matters aright. This, I think, is an insult to our Secretariat. We have some of the best officers Travancore has produced in our Secretaries. There are brilliant graduates as Secretaries, Assistant Secretaries, Superintendents, head clerks, and clerks, and the Chief Secretary has admitted that the system is not a complicated one.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Has Mr. Hoogewerf any idea of the cost if one officer is to be sent to Madras and back?

MR. A. HOOGEWERF (*Nominated*): Before I answer that question, I must know what sort of officer he refers to.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not know what officer he wants to send to Madras (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): The selection of the officer is not in my hands (*Laughter.*)

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): It is suggested that some officer should be sent from here. Will that not cost more?

MR. A. HOOGEWERF (*Nominated*): I do not know what the cost will be unless I know who the officer to be sent is.

PRESIDENT: You may decline to answer his question if you so choose.

MR. A. HOOGEWERF (*Nominated*): Yes, Sir.

As I said, it is not at all complimentary to the Huzur Secretariat. The system of record-keeping is not a complicated one, and the Government member has admitted that in reply to a question asked by Mr. Krishna Aiyar. He asked whether Government could not send a Travancorean who would be able to acquire a thorough knowledge of what should be preserved as records and what should not be. That is a very pertinent question and I think the Chief Secretary answered it. The outsider will not know the conditions of Travancore. We can get all the information by writing to Madras as to what the system obtaining there is. As the Government member said, it is not a complicated one; there are no difficult mathematical problems to be solved, and there is no difficulty to study it. The fashion seems to be to allow things to drift, and then appoint a committee or somebody from Madras to set matters right. This, Sir, I say, is a very unhealthy way of doing things. The people in Madras will have a very poor opinion of Travancore if we are to import an officer from Madras even for a small thing of this kind. Our Secretariat is very efficient and the officers there are competent to put their house in order. I therefore oppose this demand very strongly as I did the previous demand.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have also very great pleasure in opposing this demand. First of all, Sir, the grant was expressed to cover the system of record-keeping and introducing other reforms in the General and Revenue Secretariat. But on listening to the member in charge, I find that ultimately the matter dwindled down to the system of keeping records. If, for this purpose, a special officer is to be appointed, and if this opportunity is to be taken for introducing a supplementary grant as the thin end of the wedge, I fear, this House is liable to be troubled with similar requests in various directions. For example, those in authority in the Secretariat may think that, for the mending of quill pens in the Secretariat, a special officer has to be appointed. If the officers in the Secretariat want to have a quillpen mended in a particular fashion, they will come with a demand for appointing a special officer. If in similar instances special officers have to be imported from abroad, that will be setting up a very bad precedent in the Secretariat.

[Mr. R. Krishna Pillai.]

Then with respect to the particular officer the Government have in their view, it was said that he set the house in order so far as the Madras Secretariat was concerned. I raised the question to be answered by the member in charge whether any outside officer had been brought down to the Madras Secretariat, to set the example in the matter of record-keeping.

PRESIDENT: I do not think you put that question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am raising that question now. During the time of his reply, he is at liberty to answer it.

One of the officers of the Secretariat in Madras was asked to look into the question and remedy the evil there. Why, I ask, cannot a similar step be taken in Travancore? In Madras they did not think it worthwhile to get an officer from outside. They thought it was their own business. They could discover what exactly was getting out of order and out of condition there. They could put their house in order themselves. Why a similar attempt could not be made here was not explained by the member in charge. Before making out a real case, this House cannot be called upon to vote upon this particular point. That is the main reason I am urging in opposing this motion. The member in charge has been pointing out that, ever since 1904, new systems have been introduced in the Huzur Secretariat with the object of cleaning the Augean stables. Those, according to the member in charge, have not been successful. First of all, it remains to be looked into whether the agency that is now in charge of the Huzur records is an efficient agency at all. Suppose we get a man from Madras and he restores order. Where is the guarantee that the whole thing may not revert to the old bad condition? And if after an interval, outside assistance has again to be sought to restore order in the maintenance of records, that, as my friend Mr. Hoogewerf put it, would reflect but little credit on the sense of orderliness prevailing in the Records Section of the Secretariat. Therefore I do not find any possibility to see eye to eye with the learned member in charge of this motion. I am therefore opposing it.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I too beg to oppose the motion. The motion consists of two parts. One is for an officer for the revision of the system of the records, and the other for the introduction of other reforms in the General and Revenue Secretariat. The latter has not been discussed at any length by the member in charge.

PRESIDENT: I do not think he said "revision of the General Secretariat."

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I used the word 'introduction."

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is how it is printed in the notice.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I do not say that our record system does not need revision. That may be absolutely necessary. Therefore certainly I should be the first person to support the motion. After all it is only a matter of Rs. 2,000. It is not, on that account, that I am opposing the motion. We must introduce the best available system. The member in charge has not been able to assure us what all systems have been studied and whether the proposed system is likely to be the best. When we go in for a new system, it would be better for us to study all the systems obtaining in up-to-date places, for example, the system obtaining in Switzerland or for that matter in Delhi or in some of the business concerns such as the P. and O. and other big concerns. On the ground that we must get the best possible system, I oppose the motion.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): റിക്കാർഡുകൾ സംരക്ഷിക്കുന്ന സംഗതിയിൽ ഇപ്പോഴുള്ള നടപ്പിനെ ഭേദപ്പെടുത്തുന്നതിനും, ജനറൽ ആൻഡ് റവന്യൂ സിക്രട്ടറിയേററിൽ ചല പരിഷ്കാരങ്ങളും വരുത്തുന്നതിനും ഒരു സ്പെഷ്യൽ ആഫീസറെ വരുത്തുന്നതിലേക്കു വേണ്ടിവരുന്ന ചിലവിലേക്കായി കൊണ്ടുവന്നിട്ടുള്ള തുക അനുവദിക്കാൻ പാടില്ലെന്നു ഞാൻ ശക്തിയോടുകൂടി വാദിക്കുന്നു.

ഇവിടെ റിക്കാർഡുകൾ സൂക്ഷിക്കുന്ന രീതി ശരിയല്ലെന്നും, അതു് അസാമാന്യമായ വിധം വർദ്ധിച്ചുവരുന്നുണ്ടെന്നും, അതിനാൽ അവയെ തരംതിരിച്ചു സൂക്ഷിക്കേണ്ടവയെ സൂക്ഷിക്കയും, നശിപ്പിക്കേണ്ടവയെ നശിപ്പിക്കയും ചെയ്യേണ്ടതാണെന്നും ഞാൻ സമ്മതിക്കുന്നു. അതുപോലെതന്നെ ഹജൂർ സിക്രട്ടറിയേററിലെ ആളുകൾക്കു ഇന്നത്തെ സ്ഥിതികൾക്കു് അനുരൂപമായ ഭേദഗതികളും പരിഷ്കാരങ്ങളും വരുത്തേണ്ടതായുള്ള സംഗതിയും ഞാൻ സമ്മതിക്കുന്നു. ഇതിലേക്കു പുറമേനിന്നും ഒരു സ്പെഷ്യൽ ആഫീസരെ വരുത്തി സാധിക്കേണ്ട ആവശ്യമുണ്ടോ എന്നും, ആയതു് ഇവിടത്തെ സ്ഥിതികൾക്കു വേണ്ടതായുണ്ടോ എന്നുമാണു് നോക്കേണ്ടതു്. ഈ കാര്യത്തിനായി ഒരു സ്പെഷ്യൽ ആഫീസറെ വരുത്തി ദുർവ്യയം ചെയ്യേണ്ട ആവശ്യമില്ലെന്നാണു് എനിക്കു് അഭിപ്രായമുള്ളതു്.

അതിലേക്കുള്ള ഒന്നാമത്തെ കാരണം ഈ രാജ്യത്തിലുള്ള ഉൽകൃഷ്ടവിദ്യാഭ്യാസത്തിന്റെ നിലയ്ക്കു് അതൊരിക്കലും ആവശ്യമില്ലാത്തതാണെന്നാകുന്നു. ഇവിടത്തെ ഭരണകാര്യങ്ങളിലോ, ഒരു ആഫീസിലെ ഭരണരീതികളിലോ, ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ നടപടികളെ ഇവിടെ പകർത്തണമെന്നുള്ള അഭിപ്രായമുണ്ടാകുമ്പോൾ അതിലേക്കു യോഗ്യതയുള്ള ഒരാളെ ഇവിടെനിന്നു് അയച്ചു പഠിപ്പിച്ചുവരുത്തുകയാണു് വേണ്ടതു്. അങ്ങനെ

[Mr. T. Kumara Pillai.]

അല്ലാതെ എല്ലാകാൎയ്യങ്ങൾക്കും പുറമെ നിന്ന് ഒരു സ്പെഷ്യൽ ആഫീസരെ സ്വല്പകാലത്തേക്കായി ഇവിടെ വരുത്തിക്കൊണ്ടിരിക്കുന്ന നയം ഇവിടത്തെ പബ്ലിക്സർവീസിലുള്ളവൎക്ക് ഒരിക്കലും അഭിമാനകരമായിട്ടുള്ളതല്ല. ഇങ്ങനെയുള്ള കാൎയ്യങ്ങൾക്കുപോലും പുറമേനിന്നും ആളുകളെ വരുത്തിത്തുടങ്ങുന്നതായാൽ, ഇവ സാധിക്കുന്നതിനു ഇവിടെ യോഗ്യന്മാർ ഇല്ലെന്നോ, ഉള്ളവരെക്കൊണ്ടു പ്രാപ്തിയില്ലെന്നോ, പുറമെ ഉള്ളവർ അൎത്ഥമാക്കുന്നതിൽ ആശ്ചൎയ്യപ്പെടുവാനില്ലാത്തതാണ്. ഇത്തരം ഭരണകാൎയ്യങ്ങൾ സാധിക്കുന്നതിനു പുറമേയുള്ളവർ തന്നെ വേണമെന്നും അതിലേക്കു പൊതുജനങ്ങളുടെ വക ഒട്ടുവളരെ പണം ചിലവാക്കണമെന്നും വരുന്നതായാൽ ഇവിടത്തെ ജനങ്ങളുടെ വിദ്യാഭ്യാസത്തിലേക്കായി ൬൦ ലക്ഷത്തിൽ പരം രൂപ ചിലവാക്കിവരുന്നതിന് അൎത്ഥമില്ലെന്നു വരുന്നതാണ്. അതുമാത്രമല്ല വിദ്യാഭ്യാസവിഷയത്തിൽ തിരുവിതാംകൂർ രാജ്യം പ്രഥമസ്ഥാനത്തെ അലങ്കരിച്ചു വരുന്നതായ അഭിമാനത്തിന് ഒരിക്കലും അവകാശമില്ലാത്തതാണ്. ഭരണകാൎയ്യങ്ങളിൽ ഏതുതരം സംഗതികളിലും പുറമേപോയി പഠിച്ചുവരുന്നതിന് ഇവിടത്തെ സിക്രട്ടേറിയറ്റിലുള്ള ചെറുപ്പക്കാരായ സൂപ്രണ്ടന്മാരിൽ പൂൎണ്ണയോഗ്യതയുള്ളവർ ഇപ്പോൾ ഉള്ളതാണ്. ഈ സംഗതി ഗവർമെന്റ് തുറന്നു സമ്മതിക്കാൻ തയ്യാറാകുകയില്ലായിരിക്കാമെങ്കിലും ജനങ്ങൾക്ക് അതിൽ പൂൎണ്ണവിശ്വാസം ഉള്ളതാണ്.

ദിവാൻ വി. പി. മാധവരായർ അവർകളുടെ കാലത്തു ഫയിൽ സിസ്റ്റം ഇവിടെ ഏൎപ്പെടുത്തുന്നതിനുവേണ്ടി മിസ്റ്റർ മാറാദേവയ്യരെ പുറമേ അയച്ചു പരിശീലിപ്പിച്ചു വരുത്തീട്ടാണ് ഇവിടെ അത് ഏൎപ്പെടുത്താൻ ഇടയായിട്ടുള്ളത്. അതു തൃപ്തികരമായി നടന്നുവരവെ ഒരു ലഘുവായകാലത്തെ ആലോചനയുടെ ഫലമായി അതിനെ ഭേദപ്പെടുത്തി ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ ആഫീസുകളിൽനിന്നും നിഷ്കാസനം ചെയ്യപ്പെട്ട R. O. C. സിസ്റ്റം ഇവിടെ നടപ്പാക്കാൻ ഇടയായി. ഇപ്പോൾ അതിലേയ്ക്കും ഭേദഗതി വരുത്തേണ്ട ആവശ്യം വന്നിരിക്കുന്നതായിതോന്നുന്നു. അതിലേയ്ക്കോ, സിക്രട്ടേറിയറ്റിലെ പരിഷ്കാരത്തിനൊ, നൂതനമായ ഒരു ഉദ്യോഗസൃഷ്ടിക്കൊ, ഏതിനുതന്നെയായിരുന്നാലും അതിലേക്കു പുറമേനിന്നും ഒരാളെ വരുത്തേണ്ട ആവശ്യമില്ലാത്തതാണ്. ഇവിടത്തെ സിക്രട്ടേറിയറ്റിലുള്ള യോഗ്യന്മാരിൽ ഒരാളെ അതിലേക്ക് അയച്ചുപഠിപ്പിച്ചു വരുത്തുകയാണ് എല്ലാംകൊണ്ടും ഗുണകരമായിട്ടുള്ളത്,

മുമ്പുവല്ല അവസരങ്ങളിലും ഇത്തരം കാൎയ്യങ്ങൾക്ക ആളുകളെ പുറമെ അയച്ചു പരിശീലിപ്പിച്ചു വരുത്തീട്ടുള്ളതിൽ ആരേക്കൊണ്ടെങ്കിലും വേണ്ടപോലെ പ്രയോജനപ്പെടാതെ വന്നിട്ടുണ്ടെങ്കിൽ അതിനുള്ള കാരണം ആളുകളെ തിരഞ്ഞെടുത്തിട്ടുള്ള അധികൃതന്മാരുടെ മനോഗുണത്തിൻെറ ന്യൂനതയായിരിക്കാമെന്നല്ലാതെ ഇവിടെ അതിലേക്ക പ്രാപ്തന്മാർ ഇല്ലെന്ന് ഒരിക്കലും അൎത്ഥമാക്കാൻ പാടില്ലാത്തതാണ്.

റിക്കാൎഡുകൾ സൂക്ഷിക്കുന്നതിനേയും നശിപ്പിക്കുന്നതിനേയും പററി നിശ്ചയിക്കുന്നതിനു പുറമെ നിന്ന് ഒരാളെ വരുത്തുന്നത് അപകടമായി വരുമെന്നാണ് അതിനെ വിരോധിക്കുന്നതിനുള്ള എൻെറ രണ്ടാമത്തെ കാരണം. ബ്രിട്ടീഷ് ഇൻഡ്യയിലേയും ഇവിടത്തെയും Land Tenures വളരെ വ്യത്യാസമുള്ളതാണ്. അസംഖ്യം Land Tenures ഉള്ളതായ ഈ രാജ്യത്ത് അവയെ പററി മനസ്സിലാക്കുന്നതിനു പല വിഷമങ്ങളും കാലതാമസവും വേണ്ടി വരുന്നതാണ്. പുറമെ നിന്നും വരുന്ന ഒരാളിന് അതിലേക്കുള്ള സൌകൎയ്യവും സമയവും ഉണ്ടായിരിക്കുമെന്നു തോന്നുന്നില്ല. ഇവിടത്തെ Land Tenures നെസംബന്ധിച്ചുള്ള പല റിക്കാൎഡുകളും അടുത്തകണ്ടെഴുത്തു കഴിയാതെ നശിപ്പിക്കാൻ പാടുള്ളതല്ല. അവയെ തിരിച്ചറിഞ്ഞു റിക്കാൎഡുകളെ നശിപ്പിക്കാൻ പുറമെനിന്നും വരുന്ന ഒരാൾക്ക ഒരിക്കലും സാധിക്കുന്നതല്ല ഈ ന്യൂനതയെ പരിഹരിക്കാനായി അവിടെ നിന്നും വരുത്തുന്ന ഉദ്യോഗസ്ഥനെ സഹായിക്കുന്നതിനായി ഇവിടെ നിന്നും തക്കതായ ആളുകളെക്കൂടി ചുമതലപ്പെടുത്താമെന്നു ഗവൎമ്മെൻറു സമാധാനം പറയുമായിരിക്കാം. ആ സമാധാനം പറയുന്ന പക്ഷം അങ്ങനെ സഹായിക്കാനായി ചുമതലപ്പെടുത്തുന്ന യോഗ്യന്മാരിൽ ഒരാളെ പുറമെ അയച്ച് ഈ കാൎയ്യത്തിനു വേണ്ട പരിശീലനം കൊടുത്ത് വരുത്തുകയാണ് വേണ്ടത്. ബ്രിട്ടീഷ് ഇൻഡ്യയിലെ പരിചയമോ, അതിനാലുള്ള സാമൎത്ഥ്യമോ കൊണ്ട് ഇവിടത്തെ ലാൻഡ് റവന്യൂ സംബന്ധമായ റിക്കാൎഡുകളെ ശരിപ്പെടുത്തികളയാൻ സാധിക്കുമെന്നു വിചാരിക്കുന്ന പക്ഷം അതു ശരിയായ അഭിപ്രായമായി ഞാൻ കരുതുന്നില്ല. കഴിഞ്ഞ കണ്ടെഴുത്തിനെപ്പററി എഴുതിട്ടുള്ള മെമ്മൊറാണ്ടം വായിക്കുന്നവൎക്ക് ഈ സംഗതി വ്യക്തമായി ബോധപ്പെടുന്നതാണ്.

ഇതിലേക്കായി പുറമെ നിന്നും ഒരാളെ വരുത്താൻ പാടില്ലെന്നു പറയുന്നതിനു മററൊരു കാരണമുള്ളത് ഇവിടെ എത്രയോ കേമന്മാരായ വിദേശീയ ദിവാൻജിമാരും, ഇവിടെയുള്ള മററു പല ഉദ്യോഗസ്ഥന്മാരും ഭരിച്ചു വന്നിരുന്നതായ സ്ഥലത്തുള്ള റിക്കാൎഡുകൾ ഇത്ര വളരെ കുഴപ്പമായി കിടക്കുന്ന സ്ഥിതിയെ പുറമെ നിന്നും ഒരാളെ വരുത്തി കാണിക്കുന്നത് ഇവി

[Mr. K. C. Mammen Mappillai.]

ടെയുള്ളവൎക്കൊ ഇവിടത്തെ ഭരണത്തിനോ ഒരിക്കലും അഭിമാനകരമായിട്ടുള്ളതല്ല എന്നുള്ളതാണ്. ഈ സംഗതി എള്ളുപോലെയിരിക്കുന്നു എന്നാൽ ഒരു തറവാട്ടിലെ ഭരണം കുഴപ്പത്തിലാക്കിത്തീൎത്തിട്ട് അടുത്ത വീട്ടുകാരനെ ശരിയാക്കിത്തരാൻ ക്ഷണിക്കുന്നതു പോലെയിരിക്കുന്നു. ഈ കാരണങ്ങളാൽ ഇതിലേക്കുള്ള ചിലവ് അനുവദിക്കാൻ പാടില്ലെന്നു ഞാൻ വാദിക്കുന്നു.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): After listening carefully to the speeches made by the learned Chief Secretary—

PRESIDENT: Please speak louder.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I am also of opinion that it is not advisable to import a foreigner to make the necessary reforms in the Secretariat. I think that it would be more advisable to send an intelligent and responsible member of the Secretariat to study the system that is obtaining in Madras, or, if necessary, in Simla and other places. Of course I appreciate very much the difficulty referred to by the learned Chief Secretary that the present system is not working well and it causes delay in the disposal of files and communications, and I would be the last person to oppose any grant which would facilitate the disposal of papers in the Secretariat. Further there is a general complaint throughout the State that in every department—in the Judicial and in all other departments—delay is the order of the day. So any system which would be of any use for disposing of appeals, applications and communications at the very earliest possible opportunity should be encouraged, and I, for one, would not grudge spending some reasonable sum if that object could be realised. But I am not satisfied with the observations made by the learned Chief Secretary that the importation of an outsider would bring about that desirable object. As observed by some of my friends, I am also not in favour of importing a stranger for that purpose.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, in order that the officer entrusted with the task of filing the records right and the—

PRESIDENT: Louder please.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I am suffering from a slight cold. I have temporarily lost my voice. In order that the officer entrusted with the task of introducing an up-to-date system of filing, etc., in the Huzur Secretariat might be able to discharge satisfactorily the duties that are entrusted to him, he must be thoroughly conversant with the details of a satisfactory system, and also he must know the system he is to overhaul. These two parts must be combined in the officer selected for the purpose. Now the question is which is easier for an officer of the Travancore Secretariat who knows the history of the problems and the

records of the country to pick up the working of a system that is considered to be the best prevailing in any part of British India, or for an officer of the British service who knows something about a good system to study the conditions here and then to apply that system to local conditions? In the process of overhauling our existing system, such records as are worthy of being preserved should be preserved and such as are not worthy of being preserved may be destroyed. If an officer from outside, without understanding the local conditions properly, causes the destruction of records that may be absolutely necessary under certain conditions, he might be doing irreparable mischief to the country. Therefore, I feel absolutely convinced that it would be by far the better course to get hold of a young, energetic and intelligent officer from the Travancore Government service and depute him to British India in order that he may familiarise himself with some up-to-date system of record-keeping and preserving of files, etc., and to use him to reorganise all our offices. I should like also to say a word in this connection that this reform should be made applicable not only to the Huzur Cutcherry but to the offices of the Dewan Peishkars, the Magistrates, the Munsiffs and, in fact, all Government offices. Lower down in the various Government departments, we know the records are being kept sometimes very scandalously. Instances have very often come to notice in which low-paid subordinates have been able to tamper with valuable records, and I know that people are very reluctant to entrust such records to Munsiffs' courts and Magistrates' courts for fear that something might be done to them. There is a great deal of confusion everywhere. In fact the officers in charge of some of these offices have themselves admitted to me that their records are kept in a bewildering condition. I am sure the records in the Huzur Secretariat are very much more satisfactory since the introduction of the file system during the time of Mr. V. P. Madhava Rao. It is much more important that some system should be introduced into every office of the Government. As it stands now, I strongly oppose the motion. I am also strongly of opinion that any amount of money spent in this direction will not be a waste if it is spent in the proper manner. I should think that the idea of getting down a foreigner and asking him to apply his experience gained elsewhere to local conditions, after he has lost his youthfulness and his capacity to assimilate new conditions, is not a good one. I am afraid he may not understand our conditions properly, and he may apply his principles in the wrong way which might do more harm than good.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, it appears to me that the decision of this question presents some difficulties because we know that, for the last several years, Travancore has had the advantage of being administered by some of the best men in the Madras Presidency. There is no State which has been so fortunate as to secure the services of such eminent Dewans from outside as Travancore has had, and I take it, Sir, that all these great and good men have been straining every nerve to make the administration of Travancore as good as it

[Mr. G. Paramesvaran Pillai.]

ought to be. It is impossible for me to understand how, in the light of these facts, the arrangement for keeping the records and for the expedition of work in the highest office in the State should fall into such bewildering condition as has been depicted by the Chief Secretary. If that be so, no time should be lost in setting matters right. The confusion cannot be of the working of the Dewans or of the Chief Secretaries or of the lesser officers, because we have been getting the tribute of various people to the effect that the average Travancorean is very much more competent a person than the inhabitant of many other States, and Dewan after Dewan has come forward with generous incense at the altar of Travancore efficiency. Now, Sir, if the confusion is to be removed, if the records are to be put in order, or if the issue of stationery is to be properly controlled and regulated, we want a very efficient and energetic officer. I am out and out in favour of the principle that, when there are suitable persons in Travancore service for putting our records in order, whether they be in service or out of service, their services ought to be at once requisitioned. If, on the other hand, there is no such person, if the experience picked up by these officers has been in vain or, at any rate, insufficient or unsatisfactory, I shall be the first person to welcome an outsider rather than keep the records in a kind of confusion. Rather than doing so we must get the confusion at once removed. I was made to believe that putting the records in order or improving the system of keeping files was a technical business and a person who has experience in such matters will be in a better position to do it than others. But when I listened to the speech of the Chief Secretary I heard him say that the matter was not so very difficult and was apparently a simple affair. If that be so, those intelligent officers of various grades now in service, and those intelligent and efficient men who may be outside the service should certainly be able to come to the rescue of the Travancore Government at this time of crisis. But I do not arrogate myself the function of deciding that question. It is for the Government to make a pronouncement. I am not going to distrust an officer simply because he is an officer. There are important officers sitting on the other side. There is the Dewan, who knows the details of the administration, presiding over this Council. There are the Chief Secretary, the Financial Secretary, and a number of other important officers. If they are prepared to lay their hands on their bosom and say that there is no proper and competent officer in the Travancore service, I shall at once advocate the importation of an outsider because we want our house to be put in order. But it must be unambiguous; it must be unconditional. There must be an unconditional pronouncement made on behalf of the Travancore Government that the work now sought to be done cannot be executed by any body in Travancore. If they are prepared to give that assurance, I shall be the very first to welcome this motion. If not, I must oppose it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, ever since this question of the appointment of a special officer to overhaul

the office system and records of the Huzur Secretariat was brought to my notice, I have been of the opinion that this is not a very urgent matter and could well afford to wait till the next budget session, when the bearing of the proposal and the financial commitments involved in the entire Secretariat budget could be more correctly gauged than when the matter is dealt with in this piecemeal manner.

I would also deprecate the manner in which the supplementary demand is placed before this Council. The Council has been asked to vote merely on the expenditure required for the staff and is at liberty to discuss only indirectly the appointment of the Special Officer. I do not deny that strictly the Government are in the right in narrowing down the province of discussion, but I would only point out that there is nothing to prevent the supplementary demand indicating the total expenditure involved in the proposal; for, the mere fact that the entire State Budget, which includes so many non-votable items, is placed before the Council, does not certainly confer a right on the Council to disallow a non-votable item. Again the indirect control exercised by this council on non-votable items has not been found to be very effective. For, although this Council passed a motion during the last Budget Session involving the reduction of a Division Assistant's place in the Devicolam Division, the Council has no information as to what action has been taken by the Government in that direction. It is, therefore, all the more important that fresh schemes involving large expenditure should not be brought in the middle of the year, but should form part of the annual State budget.

The Chief Secretary complains that the system that was obtaining from 1904 has been found to be unsatisfactory, and that in 1921 the system was sought to be revised. But for some reason or other it was found that the revised scheme did not fit in with the old file system and therefore a lot of confusion has arisen resulting in the delay of despatch of business. Now that is a question which has to be considered in more aspects than one. What are the causes that have given room for this confusion? It may not be possible for us now to take a broad view of the question. The internal efficiency of the Secretariat itself will be one of the main considerations that will have to be drawn pointed attention to by this Council, and that question has to be examined. It cannot certainly be that this confusion and delay in the despatch of business was noticed all on a sudden. This might have been noticed long before this and the remedy could have been suggested very much earlier. There was recently a revision of the salaries with a view to enhance efficiency. There was an Efficiency Audit Officer for the purpose of revising office systems. We do not know what exactly are the proposals of the Efficiency Audit Officer in regard to this matter. The expansion of the Council has necessarily thrown a fresh volume of additional work on the Secretariat and the delay in the despatch of business appears to me to be due to the centralisation of powers and duties in the Dewan and the Chief Secretary. The solution lies, I would submit, in the creation of an Executive Council to share the work of responsibility now devolving on them.

[Mr. K. Paramesvaran Pillai.]

The Secretariat to be efficient should be manned by efficient hands. Among the Secretaries, Superintendents and clerks we find quite a large proportion who have been doing the same work for years together. It is not therefore a surprise to me when the Chief Secretary complains that there is no one fit for the work for at least keeping the records in the proper manner.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I did not say that there was nobody in the Secretariat competent to keep the records in proper order.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I mean, to revise the existing system and to remove all the chaos and confusion that is now said to be rampant in the Secretariat. It is impossible to expect imagination or initiative from men who have been doing the same work for years together. There should be a free flow of promotions from the Secretariat into the executive ranks. It is also a matter for consideration, as suggested by Mr. Madhava Variar, whether it would not be cheaper and more advantageous in the long run, to depute, if need be, one of our own younger officers to study the system obtaining in the Imperial or Provincial Secretariats. I would again urge that the whole question be fully examined along with the budget next year.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I also oppose the demand for the supplementary grant. It is unnecessary for me to repeat the reasons which have already been given by the other members of the Council for opposing the grant. It is enough to say that the reasons adduced by the Government member for making this demand for supplementary grant are not convincing. The chief reason alleged for making this demand for grant is that it has become absolutely necessary and urgent to devise means for disposing of the vastly accumulated mass of records already in the Government offices. We may accept the statement of the Chief Secretary that the volume of records to be dealt with is very great. But we cannot accept the statement that an officer imported from outside would be more competent to deal with these records, to sort them, to find out what records should be destroyed, what should be preserved, what should be printed and so forth. As has already been pointed out, a man who is an intelligent officer, who is acquainted with local conditions and local affairs, will be more competent to determine those matters than a raw outsider who comes without any such knowledge of local conditions and affairs. Of course, he may be well acquainted with a particular system for disposing of these records; that is one thing. But to actually carry out that system in regard to our records is quite a different thing altogether. So that what we want is a man who is acquainted with local customs and conditions and other things as well as a man who is acquainted with the new system which has been introduced into the Madras Secretariat. The

system can be studied more easily. The Chief Secretary himself has said that it is not a complicated system and therefore the knowledge could be acquired very easily.

In this connection, a suggestion has been made by some of the members that, if necessary, an intelligent officer from the Secretariat can be deputed to Madras for studying the system. Mr. Robinson very pertinently asked whether the members who made the suggestion considered the comparative cost of the two proposals. To my mind, the deputation of an officer to Madras for the purpose of studying the system will be much cheaper than the importation of an outsider under the circumstances mentioned by the Government member, because the man to be imported is not only for the purpose of introducing a new system of dealing with the records but also to carry out the system into actual practice, and as such his service will have to be retained for a much longer time than the deputation of an officer to Madras for the purpose of studyidg the system alone would require. Probably the officer may be able to get acquainted with the system within a fortnight or a month or even two months, whereas an officer on a salary of Rs. 500 is sought to be imported for six months at the outset; but according to my idea I think the time will have to be extended because the amount of work he has to turn out is enormous. So that, in my opinion, the deputation of an officer to Madras or other places for the purpose of studying the system would be much cheaper, more effective and more useful than the importation of a new officer from outside, who is only acquainted with the system of dealing with the records and not with the actual conditions in Travancore. For these reasons I also strongly oppose the demand for this grant.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, I think that both sides of the House are agreed on one point, namely, that the Secretariat records need looking into for being arranged and systematised. The only question at issue is which is the better way to secure this object—whether it is better to send a capable officer to Madras and other places to find out the system there, or to get down an officer of experience from British India who has been trained in the British system and introduce this system into our Secretariat.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): May I know whether it is not the presumption that an officer who is pensioned is not in a position to do efficient service?

MR. K. GEORGE (*Financial Secretary to Government*): I do not think that because the officer has been pensioned he has lost all the efficiency.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): I am asking whether that is not the presumption.

MR. K. GEORGE (*Financial Secretary to Government*): He has at his back several years of experience and that will be available to this State even if he has retired.

[Mr. K. George.]

MR. A. HOOGEWERF (*Nominated*): May I know whether a superannuated officer is not more inefficient physically than an active officer?

MR. K. GEORGE (*Financial Secretary to Government*): We recently got down another officer who had retired from service for the Press Committee's work, and my impression is that the Press Committee members have been satisfied with the part he took in the committees deliberations.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. George whether he is aware that a pensioned officer is one of the ministers of the Madras Government?

MR. K. GEORGE (*Financial Secretary to Government*): I am perfectly aware of that; and that, I should say, does support the argument that an officer though pensioned may be capable of useful service.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there a chance, in view of the valuable services that may be rendered by pensioned officers, that they may be encouraged to come in more and more into service? (*Laughter.*)

PRESIDENT: That does not arise.

MR. K. GEORGE (*Financial Secretary to Government*): Now that we are agreed on this point that the records require looking into, the question is, which is the better method. Now, examining from the standpoint of cheapness, it was said, I believe, by Mr. Changanachery Paramesvaran Pillai, that the deputation would be cheaper. But we must regard the cheapness not merely in the light of the immediate cost. If we bring down an officer from British India to arrange and systematise our records here, we get the advantage of his past experience and can train a large number of capable men in the Secretariat itself who could later on, be expected to carry on what he has introduced. That certainly is cheapness. We could not afford—

MR. A. HOOGEWERF (*Nominated*): Would it not be the same thing with regard to the man sent from here?

MR. K. GEORGE (*Financial Secretary to Government*): I will refer to that later on. We cannot afford, on the other hand, to send a large number of men, time and again, to study the systems obtaining in British India. Therefore, from the point of view of cheapness, we get the advantage of having education given to our men here at a small cost.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know whether our officer who returns cannot do the same thing at a small cost.

MR. K. GEORGE (*Financial Secretary to Government*): First of all, by the time our officer goes and learns, the officer that is imported would have finished his work.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know what time it will take for the sorting of records by the special officer?

PRESIDENT: It is estimated at six months.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It may take a longer time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether any officer, if appointed from outside, will have access to the confidential records in the Huzur Cutcherry?

MR. K. GEORGE (*Financial Secretary to Government*): I believe no. Not even an officer who is appointed locally will have access to them.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Who is to determine whether they are confidential or not?

PRESIDENT: All confidential records are kept separately.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There may be very confidential records in the Secretariat itself.

MR. K. GEORGE (*Financial Secretary to Government*): Nobody will have any access to that.

MR. JOSEPH PANJIKARAN (*Shertallai*): Are the confidential records kept in order?

MR. K. GEORGE (*Financial Secretary to Government*): I believe they are in order.

MR. A. HOOGEWERF (*Nominated*): After setting the Secretariat House in order, will the officer go from department to department putting them in order?

MR. K. GEORGE (*Financial Secretary to Government*): It is not expected that he would do that. On the other hand, it is expected that he might train some men and Government may be in a position to issue instructions to the subordinate departments.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is any particular method adopted for putting confidential records in order?

PRESIDENT: I do not think that question arises here now.

MR. A. HOOGEWERF (*Nominated*): Is there any instance of men being brought from other places for the Account Office?

MR. K. GEORGE (*Financial Secretary to Government*): Yes. We got down first of all Mr. Subbaroyer from Mysore for organising the Account Department. Later on we had the deputation of Mr. Dukoff Gordon, on two occasions, one about 1087 and again about 1093 or 1094, for examining our Account system and suggesting improvements, and that is an instance in point. He came here and

[Mr. K. George.]

advised the Government as to the changes to be made in our system of accounts. His proposals were carried out and we had a number of men trained, some in British India and some locally, and all have been employed in working that system. That is what I am urging. If a man of experience is got from British India, it will be useful for our State and then we can improve our system much better than with the help of a man who, sent from here, picks up a smattering of knowledge in British India.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Will not history repeat itself?

MR. K. GEORGE (*Financial Secretary to Government*): History sometimes has a tendency to repeat itself, but not necessarily always.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask whether file-keeping and account-keeping form subjects of courses in the Commercial School?

MR. K. GEORGE (*Financial Secretary to Government*): I am not quite sure. Account-keeping is; but as regards file-keeping I am not sure.

Another point I have to say is this. If we are to get down an officer with several years of experience we have a very great advantage, namely the weight of his opinion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Suppose he does not train the officers properly. His presence will then have to be prolonged.

MR. K. GEORGE (*Financial Secretary to Government*): We expect that he will be an honourable officer who will do his work. In the case of a local officer deputed to British India, Government, in matters of doubt, will have to refer to British India again. He is not expected to get an all-round and thorough knowledge of the system. That is from the nature of things impracticable.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Supposing he revises the system and he goes and suppose that does not again fit in with the scheme and some difficulties crop up in the way.

MR. K. GEORGE (*Financial Secretary to Government*): That is just what I say. During the time he is here Government will have the advantage of consulting him. Government and the responsible officers of the Secretariat will be in a position to take advantage of his experience and his advice. On the other hand, if we send a man from here to British India, we do not get that advantage.

MR. A. HOOGEWERF (*Nominated*): I beg to know where this officer who is to be imported, learnt the system.

MR. K. GEORGE (*Financial Secretary to Government*): In the Madras Secretariat itself.

MR. A. HOOGEWERF (*Nominated*): Before he was appointed?

MR. K. GEORGE (*Financial Secretary to Government*): He was in Madras for years and he was trained in the system; and I believe when the Tottenham system was introduced he was there and studied it. I believe he was one of the officers in the Madras Secretariat who took part in the change of the system and made himself up-to-date in it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was the period of six months arrived at in consultation with the officer in contemplation by Government?

MR. K. GEORGE (*Financial Secretary to Government*): No; that is only fixed provisionally.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know when the Tottenham system was introduced in Madras? Is it not a very recent system?

PRESIDENT: If you do not object to my giving the information, it was about 1920.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): So it is only a new system.

PRESIDENT: It is not entirely new. It is only a development of the old system.

MR. K. GEORGE (*Financial Secretary to Government*): One point was raised—whether Madras brought down any man to improve the system there. If I remember right, some years ago an officer from the Imperial Secretariat was deputed to Madras to study the system there. So Madras apparently has the best system available and we would not be in bad company if we got down a man from Madras.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is an argument in favour of deputation.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The main point for consideration is which is the better method of achieving our object. There is no objection to a Travancore officer being sent; but whether it is cheaper than getting an officer from British India is a matter for consideration. If a Travancore officer has to be sent at all, it must be a superior officer, say of the grade of a Dewan Peishkar, an officer drawing Rs. 500-700.

MR. K. C. MAMMEN MAPILLAI (*Commerce and Industries, North*): Why should it be a Dewan Peishkar?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Because his opinion would carry weight when he returns.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Have the Peishkars experience in filing, etc.?

MR. A. HOOGEWERF (*Nominated*): What was the position of the officer in the Secretariat when he learnt the system under Mr. Tottenham in Madras?

[Mr. R. Krishna Pillai.]

PRESIDENT: Nobody said he learnt it under Mr. Tottenham. That is not what Mr. George said.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What is the status of the Special Officer proposed?

PRESIDENT: Retired Assistant Secretary to the Madras Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Chief Secretary be pleased to say from his experience as clerk, Head clerk, Assistant Secretary, Under Secretary, Peishkar and Chief Secretary how there has been this confusion made in the Huzur Office?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There has been confusion for a very long time, as I mentioned in my first speech. Repeated attempts were made to remove this confusion. A special staff was appointed from time to time, but they were not able to make any headway. That is why I say that an officer possessing expert knowledge is necessary.

MR. A. HOOGEWERF (*Nominated*): Is it highly necessary? Would not a Superintendent do?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is no use in sending a Superintendent or even an Assistant Secretary. If an officer is sent at all, he should be of the status of a Dewan Peishkar.

PRESIDENT: It was already stated that his opinion must carry weight.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Moreover, the advantage of having an expert officer here is that he can train a number of officers here. An officer who is deputed may take a long time to study the system. In the meantime work in the different sections would be accumulating, and in order that current work may be got through efficiently, the system should be improved, and we cannot delay till the officer returns.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Chief Secretary be pleased to say whether there is no one in the Huzur Office, Secretary, Under Secretary or such other officer who will be able to revise this system and put it in perfect order?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I must say that there are very competent officers, but they do not possess that technical knowledge to enable them to put the records in proper order.

MR. A. HOOGEWERF (*Nominated*): All the experience they have might be—

PRESIDENT: All that has been repeatedly answered.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is cheaper in the long run to obtain the services of an experienced officer from outside for a temporary period and let him train men in Travancore so that they may continue the work when he leaves Travancore

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether, without the special appointment of an outsider, Government will not be able to place these records in order.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not think that the Government will be able to do so.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Is indexing, selecting, and printing the chief work of the special officer ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. Some of the records have to be destroyed. Important papers should be selected and printed. I mean all these items of work should be done on up-to-date lines. We want a man who has an up-to-date knowledge in handling old records.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Does it require expert knowledge?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Expert knowledge would be useful. There is a difference between a lay man doing it and a man who is well-versed in the system of record keeping doing it. Mr. Kumara Pillai seems to have said that it is discreditable to the Travancore Government to go in for an outsider.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഞാൻ പറഞ്ഞിട്ടുള്ളതങ്ങനെയല്ല. ദിവാൻജിയും, ചീഫ്സിക്രട്ടറിയും, സിക്രട്ടറിമാരും മററു യോഗ്യന്മാരുള്ള ഹജ്ജൂർകച്ചേരിയിൽ അവിടത്തെ റിക്കാഡുകൾ ശരിയായി സൂക്ഷിക്കാൻ സാധിക്കാതെ ഇപ്പോൾ ഒരാളിനെ നിയമിക്കേണ്ടിവന്നതു് അപമാനകരം എന്നാണു് ഞാൻ പറഞ്ഞതു്.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know what is the status of the officer who may be deputed to help the new man, if one is going to be appointed ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He must come and be consulted before anyone is appointed.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Is not the knowledge of the vernaculars of the country necessary ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No. We are not dealing with the vernacular records at all. The records relating to land revenue are all in the central vernacular records. The special officer is not to be asked to deal with the vernacular records.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Are not vernacular records very important ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Those may be important records, but they are not to be taken up now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will it be possible to appoint a man from outside who knows English, Malayalam and Tamil ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In regard to the officer whom it is proposed to get down, he knows Malayalam as well. We have been getting down experts from outside as

[Mr. A. Hoogewerf.]

pointed out by Mr. George, like Mr. Narayana Aiyangar who was doing useful work. Though a retired officer, he was able to offer very valuable help to the committee appointed for looking into the working of the Government Press. So there is no discredit in indenting on the services of an officer from outside.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): May I know whether the system introduced in 1921 covers Malayalam records also?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Of course, Malayalam records may also be brought under the system.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): Has any attempt been made to bring it under that system?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Subsequent to 1921 we have very little Malayalam correspondence.

PRESIDENT: I shall now put this motion to the vote of the House.

The motion was put to the vote and carried, 27 voting *for* and 15 *against*.

MR. A. HOOGEWERF (*Nominated*): I demand a poll.

A poll was taken with the following results:—

AYES—27.

1. Mr. R. Krishna Pillai.
2. ,, S. Paramesvara Aiyar.
3. ,, K. George.
4. ,, V. Subba Aiyar.
5. Rao Bahadur K. V. Rangaswami Aiyangar.
6. Dewan Bhadur Dr. P. N. Lakshmanan.
7. Mr. K. V. Natesa Aiyar.
8. ,, R. Dhanukoti Pillai.
9. ,, I. C. Chacko.
10. ,, W. H. Pitt.
11. ,, A. J. Van Ross.
12. ,, K. Paramesvaran Pillai (*Ag. Director of Agriculture.*)
13. ,, L. C. Hodgson.
14. ,, M. Raja Raja Varma.
15. ,, S. C. H. Robinson.
16. Mr. T. M. Chidambaratanu Pillai.
17. ,, C. J. Curien.
18. ,, Paul V. Daniel.
19. ,, A. Govinda Menon.
20. ,, M. K. Khadir Pillai.
21. Rao Bahadur K. A. Krishna Aiyangar.
22. Mr. T. Lakshmana Pillai.
23. ,, P. Paramesvaran.
24. ,, L. R. Raja Raja Varma.
25. ,, C. Ramankunju.
26. ,, Trivikramar Vasudevar.
27. ,, T. K. Velu Pillai.

NOES—15.

1. Mr. A. Hoogewerf.
2. ,, S. Krishna Aiyar.
3. ,, N. Kumaran.
4. ,, V. Kunjukrishna Pillai.
5. Rev. Fr. Kuriakose Vettikkapalli.
6. Mr. M. R. Madhava Variar.
7. ,, K. C. Mammen Mapillai.
8. Mr. P. K. Narayana Pillai.
9. ,, J. John Nidiry
10. ,, M. N. Pillai.
11. ,, Joseph Panjikaran.
12. ,, G. Paramesvaran Pillai.
13. ,, K. Paramesvaran Pillai. (*Tiruvalla*)
14. ,, N. Ramakrishna Pillai.
15. ,, K. Dominic Tomman.

The motion was declared carried.

DEMAND XII—EDUCATION.

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, I beg to move for a supplementary grant not exceeding Rs. 3,260 under Demand XII-Education. The grant is in two parts—firstly the sum of Rs. 3,160 for the introduction of manual training in departmental English Middle Schools for boys, and secondly Rs. 100 for the equalisation of pay of the senior Pandits in the Sanskrit College.

I shall speak of the smaller item first. The situation is as follows. There are, in the Sanskrit College, three men who may be called Senior or Chief Pandits two of whom are on a scale of pay from Rs. 70-5/1-100 while the third gets Rs. 50-5/1-70. I might mention that the Salaries Committee, which sat two or three years ago, recommended that these pandits should be given the same scale of pay, but when the reorganisation order was issued by the Government, a departure from the recommendation was made, as I just mentioned to you, by which two of the senior pandits are on the higher scale of pay while the third is on a lower scale. I am in a position to give the particular reason why this differentiation was made. But I have considered in attempting to give effect to it that it is really not very logical because these three pandits—all of them—do work of an entirely parallel nature. They are in charge of *Tarka*, *Vyakarana*, and *Jyautisha*, and I think I am right in saying that the work which each of these three pandits does is in complete equivalence with the work done by the other two. The matter has come ahead recently because it is very difficult now to decide whom to appoint in the two vacancies that exist. We have two senior pandits, and a chief *Tarka* pandit. The posts of *Vyakarana* and *Jyautisha* pandits are vacant. Men have been acting for some time and the question has arisen which of the two is to be given the Rs. 75-100 post.

The Principal of the Sanskrit College pointed out, and also it seemed to me, that it was very hard that one of these persons who did practically identical work with the others should not be given a similar pay. I placed the matter before the Government and I understand that the Government discussed it with the Finance Committee, and as a result of the decision arrived at at that discussion, I beg to put this motion before this House, *viz.*, that the three Pandits for *Jyautisha*, *Vyakarana* and *Tarka* in the Sanskrit College whose work is exactly similar be placed in the same scale of Rs. 70-5/1-100.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know which of the pandits has got the longer service?

MR. L. C. HODGSON (*Director of Public Instruction*): You mean which of the two?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Yes.

MR. L. C. HODGSON (*Director of Public Instruction*): No one has been appointed to the post. It is an independent question as to what particular individual is going to be appointed. The question now is

[Mr. P. K. Narayana Pillai.]

whether the three posts cannot be brought under the same *cadre* because the work of all of them is identically of the same nature.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Do they require the same qualification?

MR. L. C. HODGSON (*Director of Public Instruction*): The qualifications required for the three posts are similar.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Of the two acting men, who has got the better qualification?

PRESIDENT: I do not think that the question arises. What Mr. Hodgson wants is that the pay of the pandits should be equalised because their work is the same—identical or parallel.

MR. L. C. HODGSON (*Director of Public Instruction*): The question, which man possesses which qualification, does not arise. That will have to be considered by the Government when the appointments are permanently filled.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Does it mean that for the three places the same qualifications will do?

MR. L. C. HODGSON (*Director of Public Instruction*): I am not speaking of qualifications.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Qualification is a necessary criterion in filling up the posts. It will have to be taken into consideration when the appointments are made.

PRESIDENT: These three places require proficiency in different branches of knowledge, *viz.*, *Tarka*, *Vyakarana* and *Jyautisha*. Those who are qualified in these respective branches will have to be appointed in these three respective posts.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Are these subjects of great difficulty? I mean, whether one is more difficult than the other?

PRESIDENT: The Principal of the Sanskrit College says that they are posts; the qualifications required for which are more or less parallel and of the same degree.

MR. L. C. HODGSON (*Director of Public Instruction*): They are all exactly on a par, and I believe that all the three require precisely similar qualifications.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it to get rid of the inequality in the pay of these three posts that the present proposal is made?

MR. L. C. HODGSON (*Director of Public Instruction*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If that is so, is there any objection to reduce the pay of the others? (*Laughter.*)

MR. L. C. HODGSON (*Director of Public Instruction*): At present there are two grades in one of which the pay rises to Rs. 100.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What I say is that when this falls vacant opportunity may be taken to reduce the pay.

MR. L. C. HODGSON (*Director of Public Instruction*): One man is permanent and he can legitimately complain. That is all that I have to say in regard to this item.

MR. M. N. PILLAI (*Trivandrum*): Will Mr. Hodgson be able to say why some of the pandits were not paid for some months?

PRESIDENT: That does not arise here at all. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I rise to support—

PRESIDENT: Mr. Hodgson has not finished his speech. He has dealt with only one of the items. You may speak, Mr. Hodgson, about the other item.

MR. L. C. HODGSON (*Director of Public Instruction*): The second proposal is for a sum not exceeding Rs. 3,160 for the introduction of manual training in departmental English Middle Schools for Boys. I do not think it necessary, Sir, that I should dilate at any great length on the value of the subject of manual training which has been introduced in quite a large number of schools in the State now. Beginning with the Training College for some years, Mr. Green's work--the Organiser's work--was, about five or six years ago, extended to the Vernacular Middle Schools in the State. Ten English School Leaving Certificate holders were selected from the English Schools and specially trained as instructors of manual training and posted to the ten Vernacular Training Schools that we have in the department. There they trained the teachers of the Training Schools and the pupils of the practising classes and they trained each year a select number of fifty vernacular school teachers for the whole year to become instructors in manual training. These fifty men were posted to Vernacular Middle Schools. Now we have reached a position in which not all, but very nearly all, the Vernacular Middle Schools are supplied with these teachers. I may say that 185 Vernacular Schools are supplied with Manual Training teachers and that there are only 25 more remaining to be supplied with these teachers. Now the question arises as to, when we approach the time when we shall have trained all the necessary Instructors for Vernacular Middle Schools, what we are going to do with these ten undergraduate teachers. The original idea was that, when they had finished training the necessary number of instructors for the Vernacular Middle Schools their services should be utilised for introducing manual training in English Middle Schools. We have now come to a time when they are no longer necessary for training special instructors for vernacular schools and their services may very well be used for introducing manual training in ten of the English Middle Schools conducted by the department.

[Mr. L. C. Hodgson.]

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I have some idea of the sort of training that is being given?

MR. L. C. HODGSON (*Director of Public Instruction*): I would refer Mr. Nidiry to the volume of educational hand-work in manual training which has been compiled by Mr. Green, the Organiser of Manual Training in Travancore, which gives a full account of it.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I want only some rough idea.

PRESIDENT: If he is to describe the nature of the manual training in detail, we will have to extend the time allotted to him. If the House has no objection, he may describe it.

MR. L. C. HODGSON (*Director of Public Instruction*): Manual training as introduced in schools of general education has two functions—the primary or the main function and the secondary or the subordinate function. The main function of it is the progressive development of accuracy, precision and thoroughness by a combination of ocular observation and manipulative skill. That is the chief reason for which it has been introduced in many schools as a means of training the mind—not so much the hand—to habits of precision and thoroughness. But there is the secondary function which may be called the by-product of manual training and which has its own use. That is, it does give the pupil a certain amount—a fairly large amount—of skill, nimbleness of hand and quickness of eye. Those are the two functions from the educational point of view. The second is what I described as a by-product of the manual training and it has a decided value. If a boy leaves a Middle School at the age of fifteen, having undergone manual training, and if he turns to some industrial or technical occupation, he will have been trained to make skilful use of his hands. That is a very valuable asset. I do not think I need say more to answer Mr. Nidiry's question. I may say that one of the chief features of this work is its variety and it is this variety which stimulates activity, arouses interest, fosters development and sharpens the intellect. One other feature is that it gives a welcome relaxation to the drier subjects, if I may say so, of history and geography or any subject which the pupil may not have very great partiality for.

The proposal is that the ten undergraduates who were some years ago specially trained to be posted to ten Vernacular Training Schools should as they are not specially wanted for that purpose, be now posted to ten out of the twenty-two Departmental English Middle Schools to introduce the subject there. Secondly ten of the trained Vernacular Higher Instructors from the Middle Schools should be posted to these ten Training Schools to replace the ten undergraduates who will be taken away from there, after two months' training in the Training College. I want to explain that. We are taking away the ten undergraduates because we do not want the training for the *special* instructors. At the same time, manual training is an integral part of

the training in the Training School. We require teachers there to train all the teachers who come there from Government as well as private schools. And we cannot do without manual training. We propose to take away the original ten undergraduates and we propose to replace them by ten of the "Vernacular Higher" men and give them special training in February and March under the Organiser in the Training College. Another proposal in asking for the grant is that twelve more undergraduates should be selected from the English Schools and sent to the Training College for one year's instruction in manual training after which they will be posted to the other twelve English Middle Schools so that we shall be able to introduce manual training into all the English Middle Schools under the department. Later on we hope to concert measures for introducing the subject in all High School forms as well.

I will now go into the details of the figures. I ask for a sum not exceeding Rs. 3,160. The pay and deputation allowance of the ten teachers for the special course of training in February and March will come roughly to Rs. 500. The travelling allowance for the same would be about Rs. 100. The initial cost of Rs. 200 per school will make it Rs. 2,000 for the ten schools. The recurring cost of Rs. 100 for two months will be Rs. 200. That works out to Rs. 2,800. In addition to this a sum of Rs. 300 will be required for the pay for one month of the teachers who will undergo training in the next school year and Rs. 60 on account of their travelling allowance. The total comes to Rs. 3,160.

One other thing I should like to say. An objection may be made that this demand should have been brought up at the time of the budget. I may say that it is very difficult in the educational budget to foresee and provide for all possible and probable things for the simple reason that the school year does not coincide with the financial year. The begining of the school year coincides with the fag end of the financial year. The financial year begins after the schools have got into working order. It is very difficult thus to foresee in Chingam what we may necessarily require in the following Edavam. We do foresee in many cases and provide for additional amounts in the budget, as for additional teachers, additional classes and division of classes for the months from Edavam to Karkatakam in the current year's budget. But this matter of introducing manual training in schools is a thing with which we could not possibly deal in all its details before the time of the last budget. In order to bring forward a proposition of this kind, which may seem simple enough, there is a good deal to be done. First of all, the Organiser in Manual Training has to submit his proposals. These proposals have to be considered and sent up to Government, and, later on, the Government consult the Finance Committee about the proposals. All this takes time. Hence it was not possible to bring this matter before the budget meeting in last July.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Patanamtitta*): May I know whether there are now no teachers in the English Schools having a knowledge of manual training?

[President.]

MR. L. C. HODGSON (*Director of Public Instruction*): They know it to a certain extent. Every trained teacher knows something of it. All those who go to the Training Schools,—graduates who are trained for L. T. and the undergraduates who undergo training—all these do get a kind of knowledge in manual training, but I cannot say that they have been so specially trained as to become qualified for being instructors in manual training. There is a great difference between being an instructor, *i. e.*, a man who has had a special course of training for becoming a teacher and one who has merely a knowledge of the subject. If a man has some knowledge of the subject he will be able to help to teach it. The other day I went to a school at Chennittala and I found that the manual training instructor was absent and that his work was being done by the Drill Master who had picked up some knowledge of it. Mr. Green was there with me and he informed me that the man was teaching the subect fairly satisfactorily.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, the definition given by Mr. Hodgson of manual training is so well framed that if a candidate for an examination picks it up and gives it a place in his answer book he would get very high marks even though the examiner is Mr. Hodgson himself. It is so clear, so convincing, so precise, and so alluring that no one in this House requires any further knowledge of manual training even in case he did not possess any knowledge before this. We are all looking forward to the future of Travancore as an industrial nation, and without manual training nothing can be done. The eye has to work along with the hand, and both of them have to work in conformity with the brain so that manual training is absolutely necessary.

It is in regard to the other portion of the motion that I wish to place a few observations before the House. I am glad that the first ray that will illumine the gloom has dawned and I am glad that the Director of Public Instruction has discovered that logic requires that the three pandits in the Sanskrit College should be put on the same rank. He said that they were all of them doing precisely the very same kind of work. I am quoting his own words "the same kind of work." And logic requires that all the three who teach *Tarka*, *Vyakarana* and *Jyautisha* should be paid similarly. I have absolutely no complaint against it and I welcome the proposal. But I only want that Mr. Hodgson will take into consideration the claims of other educational institutions as well. I am referring to His Highness the Maha Raja's College for Boys where there are Professors, Lecturers, and Tutors in certain subjects. There are Professors, and more than one, in certain subjects—

PRESIDENT: It does not arise now.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): By way of analogy, it is of some importance.

PRESIDENT: That question is not before the House.

MR. L. C. HODGSON (*Director of Public Instruction*) : It is more than an analogy. He wants the equalising the pay of the Professors of the College, and wants me to take that into consideration.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Not that, though that is also equally urgent. My point is this: Mr. Hodgson observes that *Tarka* and *Vyakarana* stand on the same footing, and I say that Sanskrit and English stand on the same footing also. Now, there is a kind of parsimony which always weighs with the Director of Public Instruction and the Government in considering the claims of Sanskrit. We hear so much said about Indian culture. I do not know how Indian culture can be encouraged in a State like Travancore where an enlightened line of Maha Rajas who have done much for Sanskrit and the vernaculars, if in premier institutions like our College there should be this difference in the treatment of English and Sanskrit.

PRESIDENT : This question does not arise. I am afraid what you say is not relevant to the point before the House.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I quite see the point. What I say is that our action is to be guided by certain principles. The question is whether it is logical.

PRESIDENT : Do you support the motion ?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Perfectly so. I strengthen the logic by similar circumstances. I do not want to say anything more on the subject. I am glad to find that the Director's attention has been directed by the condition of this unfortunate Sanskrit Pandit who gets less pay in the self-same institution than others who do the same kind of work.

MR. L. C. HODGSON (*Director of Public Instruction*) : I do not think I need say anything more in regard to the subject. I trust that all the members will support this motion and that they will agree with me in thinking that manual training is an exceedingly valuable adjunct to general education. I am sure that I shall have the support of those members of this House who are members of the University Committee who, when we were holding our meetings at the Training College, visited Mr. Green's room and saw for themselves the kind of work he is doing. I only wish that all the other members of this House had seen what Mr. Green has been doing there ; for then I am sure this motion would be carried unanimously.

PRESIDENT : May I take it that this motion is accepted by the House.

The motion was put and carried.

The grant was made.

DEMAND XIII—AGRICULTURE.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Sir, I beg to move for a grant not exceeding Rs. 581

[Mr. I. C. Chacko.]

on account of the transfer of the apicultural branch of the Department of Industries to the Department of Agriculture. The amount required can be provided by diversion from Demand XIV to Demand XIII. In the last budget meeting of the Council, two non-official members pointed out that apiculture is more allied to agriculture than to industries. The Director of Industries also expressed the same opinion. So, the Government have transferred the apicultural section from the Department of Industries to the Department of Agriculture. What is now wanted is only a diversion of funds provided in the budget for the Industrial Department to the budget of the Agricultural Department.

PRESIDENT: May I take it that the House accepts the motion?

The motion was put and carried.

The grant was made.

DEMAND XIV.—INDUSTRIES.

MR. I. C. CHACKO (*Director of Industries*): Sir, I beg to move for a grant not exceeding Rs. 15,000 under Demand XIV for the purchase of a power-driven drill for deep boring. The provision for this is necessitated by various circumstances. Some time ago the Director of Agriculture recommended to the Government that steps should be taken for cultivating the arid lands that lie near the Aramboly Pass. The geologist of the Industrial Department was deputed to make a special survey of the tract with a view to find out the possibilities of working the lands with underground water. The Aramboly tract consists of crystalline rocks and it is not possible to predict from a mere superficial survey whether underground water can be had in abundance. It is possible that we may discover water-bearing fissures and it has to be ascertained by actual boring if such fissures do exist there. The Director of Agriculture has said that, if water can be supplied, those lands can be utilised for growing fruit trees and vegetables and various other crops.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know the extent of land available there for cultivation?

MR. I. C. CHACKO (*Director of Industries*): The extent on the northern side of the road from the Aramboly chowkey to the frontier, where irrigation is most wanted is, I understand, from the geologist's report, about one and a half square miles.

MR. A. HOOGEWERF (*Nominated*): Was the survey suggested by the Director of Agriculture?

PRESIDENT: He did not suggest any survey.

MR. I. C. CHACKO (*Director of Industries*): At the last budget session there was a suggestion from the other side of the House that boring experiments should be conducted near Alleppey for ascertaining whether there are petroleum reservoirs at that place. For that purpose also a drill will be very useful. Recently we sent

some samples of lignite to the Imperial Institute for investigation. These samples were taken from the lignite exposed at the beach at Varkalai. The Imperial Institute has requested that more representative samples should be obtained and sent for investigation. That can be done more cheaply with the help of a boring machine and for that purpose also a drill is necessary.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Who will be in charge of this drilling machine?

MR. I. C. CHACKO (*Director of Industries*): The Industrial Engineer will be in charge of this machine.

This demand of Rs. 15,000 is for the purchase of the drill and it is expected that we might be able to get it before the end of the year. Further provision has to be made for running charges which will not exceed Rs. 3,000 per year.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether any inquiries have been made and quotations secured from any firm?

MR. I. C. CHACKO (*Director of Industries*): Yes. We have obtained some quotations.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know the names of some of those firms?

MR. I. C. CHACKO (*Director of Industries*): We have quotations from the makers themselves. Calyx Drill: maximum depth capacity—800 feet; diameter of bore hole 7" Price. Rs. 12,500, F. O. R. Bombay. (Ingersoll Rand Co., London.) The estimate of Rs. 15,000 is for delivery in Trivandrum and includes other incidental expenditure. We have not decided which kind of drill has to be got down.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Can we get any cheaper drill?

MR. I. C. CHACKO (*Director of Industries*): A cheaper drill will be shorter.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether there is any urgency in the matter of boring?

MR. I. C. CHACKO (*Director of Industries*): The urgency depends upon the question of getting the work done.

PRESIDENT: We have sent samples of lignite to the Imperial Institute. If we do not want further investigations in the matter, the drill need not be purchased now. May I take it that the House accepts the grant.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I oppose the motion. I do not think there is any urgency for getting down the drill at this time, and the cost is also very prohibitive. Mr. Chacko tells us that he wants this drill to get some lignite to be sent to the Imperial Institute.

[Mr. P. K. Narayana Pillai.]

PRESIDENT: That is not the only object.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): He also said that this was wanted to know whether there is water in the arid regions near Aramboly. That is only for an experiment and the experiment can very well wait. It is not very urgent. So I oppose the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I too beg to oppose the demand. The special necessity pointed out by Mr. Chacko has reference to two centres—one at Aramboly where, he says, the particular engine is likely to benefit an area of about a square mile and a half. The necessity otherwise referred to was in connection with some boring to be conducted at Alleppey. It was further pointed out that this question was brought forward by this side of the House at the last budget session. But when this was brought forward Mr. Chacko pooh-poohed the idea and maintained that there was no possibility of any petroleum anywhere near the Pallatturutti river at all. I recollect distinctly that the Deputy President was equally keen on the subject. He based his arguments on an article in the *Indian Review* to which very serious objection was taken by Mr. Chacko. Now when he slily comes and says that there is possibility of finding petroleum near the Pallatturutti river by the introduction of this drill, one feels rather inclined to suspect the whole scheme.

Then the other benefit likely to result is with respect to the area of a square mile and a half somewhere near the frontier. And for this purpose of making an experiment, whether this item of Rs. 15,000—

MR. I. C. CHACKO (*Director of Industries*): The area that could be irrigated is 2,500 acres.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): You wish to make an amendment to the prior figure given. The area may be extending (*laughter*) while the drill is on its way this side. I am sure the benefit will be increasing. All that I can say is that the whole question rests on a boring speculation. Mr. Chacko himself is not prepared to say whether he has utilised any machinery of this kind.

PRESIDENT: You have not given him one.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is he in a position to give us an assurance that such and such benefit would accrue, provided he is supplied with a machine of this kind.

PRESIDENT: This is for an experiment and experiment only from beginning to end.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If it is only a question of boring experiment, if no assurance as to benefit can be indicated, then, at least for some of us, it is very difficult to support the demand.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I support Mr. Chacko, but on an entirely different ground. When our Deputy President, at the budget session, referred to the possibility of discovery of petroleum in Travancore, as Mr. P. K. Narayana Pillai pointed out, Mr. Chacko pooh-poohed the idea. Later theories have justified the Deputy President's pronouncement on that occasion. The latest pronouncement upon that subject—and I believe Mr. Chacko is aware of it—is that, where there is lignite formation, at or near the place where it ends, kerosine oil or mineral oil is likely to be discovered. The Varkala formation, as Mr. Chacko says, ends somewhere near Nindakarai. At or near that place, mineral oil is likely to be discovered. No doubt, on the last occasion Mr. Chacko criticised the views of Mr. Krishna Aiyangar and said that the theory that there is oil where troubled waters are still, is merely imaginary. But, now, the latest theory on that subject has justified the Deputy President's view. Therefore, if only Mr. Chacko tries and drills and experiments to find out oil near where the lignite ends, I believe he will be able to discover it. On these grounds, I beg to support the motion.

MR T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Boring appears to me to be a matter of fact and not a proper subject for discourse. But the boring contemplated by the Director of Industries is the scientific boring, for which absolute necessity has been made out. Some of us on this side of the House feel the difficulty to accept statements as to the success of experiments being conducted in Travancore by the Development Departments. In the Popular Assembly, Sir, I have time and again mentioned the short life-history of a traction engine and a saw mill. Large sums of money had been expended upon them and nobody knows how much benefit the Travancore Government or the people got from the purchase of these costly appliances. I trust that the boring instrument now under contemplation will have a better future than its companions. We require a drill of that kind because we have got Development Departments. We have got the Agricultural Department, we have the Industrial Department and the Geological Department. I dare say Mr. Chacko, though now the Director of Industries, has not forgotten his geology. Therefore deep boring is necessary in the case of the Travancore Government, if it wants to get some benefit on the money expended upon the two scholars who were sent to England to study Geology. It is not only the geologist that wants the drill; the engineer wants it; the roadmaker wants it; the man who looks for a perennial supply of water wants it. And, when so many experiments in all these directions are going on in Travancore, how these experiments can go on without a machine of this kind passes one's comprehension. It will be well and good if the drill by acute boring takes us to a bed of gold. It may be good enough if we find ourselves where there is plenty of petroleum. Even if we are not going to be so lucky, in any case, we should not altogether stop our activities in our scientific experiments in Travancore. Hence, I am very glad to support the motion before the House.

[Mr. I. C. Chacko.]

MR. A. HOOGEWERF (*Nominated*): I do not want to bore this House with a long speech. (*Laughter.*) I have not made up my mind to support or to vote against the motion. Mr. Chacko's short speech did not explain matters fully. I am not quite convinced of the necessity of this boring experiment. I hope he will give us further details. He spoke about the Aramboly area and said that the conditions there do not exactly admit of experiments being made to ascertain whether there is water. With regard to the petroleum at Alleppey, some investigations have to be made before deciding to purchase an expensive drill. We want more definite statements from Mr. Chacko. Of course, he cannot dogmatically tell us whether we are sure to find mineral oil there or not. His statements are rather vague. Before we enter into experiments of this kind, I think an investigation is necessary. I hope Mr. Chacko will convince us that there is absolute need, as also urgency, in order to show why we should not wait till the next budget meeting.

MR. I. C. CHACKO (*Director of Industries*): I have to correct the impression which I seem to have produced on the House by my first speech. It appears that I said that the drill could be useful only for irrigating the lands at Aramboly. The correspondence before me refers only to the Aramboly area. But I consulted Dr. Kunjan Pillai on the subject subsequently and he said that in Kunnatnad there are vast areas which stand in need of irrigation. There are other taluks also where the existence of water has to be proved. The drill may have to be utilised there also. Mr. P. K. Narayana Pillai wanted me to assure him whether I could find water at Aramboly or in any other place. But, as I have said, it is merely for an experiment. The superficial geological indications do not give any conclusive answer on the subject. I have to find it out by actual boring.

MR. A. HOOGEWERF (*Nominated*): Has any investigation been made on the surface to show if water can be found underneath?

MR. I. C. CHACKO (*Director of Industries*): That there is water underground is quite certain. I am not sure whether there is sufficient water underground at that particular locality.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know whether, at any time during the last fifteen years he has addressed the Government on the urgency of purchasing a boring drill.

MR. I. C. CHACKO (*Director of Industries*): I do not distinctly remember having addressed the Government on the matter. But I have often felt the necessity for one. Mr. P. K. Narayana Pillai said that I had denied the existence of petroleum at Alleppey. If I remember correctly, I said there are no direct indications of the existence of petroleum which justify a boring operation. Petroleum is only a subsidiary matter. We want the drill to get water for irrigation and for various other purposes too. When we have a drilling machine, we can find out

whether there is petroleum at Alleppey. I will have it used for that purpose along with various others. As for the other objections raised by some members on the other side of the House, Mr. Velu Pillai has very ably defended--or advocated—the cause of the boring machine. So I need not enter upon that subject. With these few remarks, I move for the grant.

The demand was put to the vote and carried.

The Council adjourned for lunch at 2-18 P. M. and met again at 3-5 P. M.

DEMAND XX —PUBLIC WORKS.

MR. K. V. NATESA AIYAR (*Chief Engineer*) : Sir, I rise to move for a supplementary grant not exceeding Rs. 63,770 (Rs. 58,370 on account of additional allotment *mostly* for means of communications in the northern taluks of the State, and Rs. 5,400 for an additional temporary staff, etc., in connection with the restoration of irrigation works).

In moving the above, I shall place before the members of the Council a few facts. There was considerable discontent at the last budget session of the Legislative Council, that the allotments for communications in the northern taluks were inadequate and that the promises held out in the Dewan's replies at the last S. M. P. Assembly session had not been kept.

It was stated by me in my speech at the general discussion of the budget on 3rd August last that if some more schemes and estimates were got ready during the course of the year, they would be taken up by applying for supplemental grants. The year 1098 has also closed with a decent surplus. Accordingly, lists of urgent works which could be taken up this year itself were prepared and some incomplete works of 1098 omitted to be provided for in the budget were also included therein. The additional grant now applied for amounts to Rs. 58,370, of which a sum of Rs. 8,360 is for works arranged for in 1098 and the balance of Rs. 50,010 is all for new works proposed to be taken up. This additional grant includes a provision, of Rs. 1,600 for only one building work: "certain improvements to the District Hospital at Vaikam, extending the operation room." This has been pressed on the Government as urgent and the estimate has been got ready.

Out of the sum of Rs. 56,770 which is for communications, the Kodayar Project Division will get Rs. 5,960, the Quilon P. W. Division Rs. 10,500, the Kottayam P. W. Division Rs. 29,660, and the Alwaye P. W. Division Rs. 10,650.

MR. M. K. KHADIR PILLAI (*Nominated*) : I want to know how much has been set apart for Alwaye.

PRESIDENT: Rs. 10,000 and odd.

MR. K. V. NATESA AIYAR (*Chief Engineer*) : For want of time, the list of the works has not been placed on the table. So I shall read them from the list I have with me.

LIST OF WORKS FOR WHICH FUDNS ARE APPLIED FOR.

No.	Service and Major Heads.	Division.	Taluk.	Name of works.	Authority.	Estimate Rs.	Grant required Rs.	Remarks.
1	Canals	K.	Shertallai	Improving Puttan todu at Tammirmukkam and extending it.	...	...	4,000	The people have been pressing for this and the estimate is under preparation.
2	Canals	K	Kottayam	Removal of curves in the Chengallam river.	4262/ 17-6-23	860	860	The work was arranged for at the close of 1098 and omitted to be provided in the budget.
3	Bridges and culverts	K.P.	Kalkulam (old Eraniel)	Reconstructing the combined surplus bridge over Kalpadi road.	...	460	460	Work urgent. The estimate ready.
4	...	K.P.	Agastisvaram (old Eraniel)	Reconstructing the bridge in 7th mile Eraniel-Rajakkamangalam road washed away by the floods of 1098.	...	...	2,000	Work urgent. The estimate is ready.
5	...	Q.	Mavelikara	Renewing the platform of the Karippuzha bridge on the 4th mile Mavelikara-Trikunnappuzha road.	...	6,380	2,500	Work urgent. Estimate under preparation.
6	...	K.	Tiruvalla	Reconstructing the Pallippalam bridge at Tiruvalla.	5398/ 25-11-23	12,200	6,000	This was omitted to be provided in the budget. Revised estimate under preparation. But the land acquisition has been arranged for in 1098. Compensation may amount to Rs. 5,800.
7	...	K.	Kottayam	Repairing the Manganam bridge in 1/8 mile of Putuppalli-Karukachal road.	...	...	1,000	Work urged for by the Division Officer.
8	...	K.	Do.	Repairing breaches on Kottayam	...	...	300	Necessary to put the road in order.

LIST OF WORKS FOR WHICH FUNDS ARE APPLIED FOR. (*Contd.*)

No.	Service and Major Heads.	Division.	Taluk.	Name of works.	Authority.	Estimate Rs.	Grant required Rs.	Remarks.
9	Bridges and culverts	K.	Changanachery	Constructing a culvert on the Kanjirapalli-Kunnumbhagam road 6th mile 6th furlong.	985/6-7-23	1,830	1,500	This work was arranged for in 1098, but could not be taken up in that year.
10	...	A.	Kunnatnad	Renewing the platform of the bridge on the Edappalli-Perumtur road.	...	650	650	Estimate received and the work is reported to be urgent.
11	Ferries	A.	Minachil	Providing *junghar* and ferry across the Kandanad stream on the road from the 1st mile, Antianad and Melkavu road to the 8th mile, Lalam-Todupuzha road.	...	...	800	This ferry service is being arranged for as the bridge prayed for was considered unnecessary. The work is urgently necessary in the interests of traffic.
12	Communications-roads	K. P.	Kalkulam	Improvements to Perinchilampu road.	...	...	1,000	Work urgent. The estimate called for in G. O. No. 1673/23-4-23 is ready.
13	...	K. P.	Agastisvaram	Metalling the 1st 2 miles of Santapuram road.	...	2,650	2,500	Work urgent. Estimate ready.
14	...	Q.	Pattanamtitta	Metalling the Pattanamtitta-Kozhancheri road.	...	...	5,000	It was promised in the last session of the Assembly that this would be executed section by section. The road is in urgent need of improvement.
15	...	Q.	Do.	Road from Kozhancheri to Cherukolpuzha.	...	...	2,000	The people are agitating for the work. Estimate received and ready for submission to Government. This connects the Puvanakkadavu-Cherukolpuzha road with the Kozhancheri-Pattanamtitta road.

No.	Service and Major Heads.	Division.	Taluk.	Name of works.	Authority.	Estimate Rs.	Grant required Rs.	Remarks.
16	...	Q	Kottarakara	Diverting the Parippalli-Mattatura road in 2nd and 3rd mile in lieu of reconstruction of the 2nd mile bridge.	...	...	1,000	Work urgent.
17	...	K	Ettumanur	Re-gravelling the M. C. road-miles 101 and 103.	...	...	2,000	The road was bad and had to be put in order at the time of H. E. the Governor's visit.
18	...	A	Minachil	Improvements to Lalam-Punjar road.	...	...	4,000	Road bad and the worst portions are proposed to be improved.
19	...	A.	Shertallai	Improving the road from Shertallai to Arattunkal.	...	...	10,000	The allotment is (a) to supplement the budget grant for the Arattunkal road and (b) for collection of materials for the bridge over the canal near the Munsiff's Court at Shertallai.
20	...	A	Muvattupuzha	Raising the low portions of Muvattupuzha-Petta road.	...	1,180	1,200	Estimate received. Work urgent.
21	...	A	Todupuzha	Improvements to Plakkuzha-Todupuzha road-5 to 10 miles.	...	...	5,000	The worst portions are proposed to be improved.
22	...	A	Muvattupuzha	Remetalling miles 5 and 6 of Muvattupuzha-Todupuzha road.	...	...	3,000	Do. The other miles are in fairly good order.
23	Buildings-Medical	A	Vaikam	Improvements to the District Hospital at Vaikam: extending the operation room.	...	1,600	1,600	Work urged by the Darbar Physician. Estimate ready.

As regards the grant for the temporary staff I may state as follows.

With a view to increase the output of paddy in the country, the Economic Development Board passed a resolution at its meeting dated the 19th May 1922, requesting the Government to appoint a special Irrigation Engineer not below the rank of an Executive Engineer with sufficient staff to help him to carry out the investigations connected with new irrigation projects, restoration of minor irrigation works, repair of irrigation and drainage channels in Punja areas, etc. The President of the Board forwarded the resolution to Government and urged upon them the necessity for early action on the lines recommended by the Board, in the interests of paddy cultivation in the State. When the matter was referred to me, I submitted proposals for a suitable temporary staff consisting of two Sub-Engineers and three First Grade Supervisors with establishment, for the investigation of irrigation sources throughout the State and for the execution of the estimates that might be prepared as the result thereof. The staff was to continue for three years with an annual expenditure of Rs. 24,387. The Finance Committee, at its meeting before the last budget session, was not, however, prepared to accept what was to it a large scheme.

The restoration of irrigation works (mainly minor works) in the taluks of Kalkulam, Vilavankod, Neyyattinkara and Trivandrum is more urgent than in other parts of the State which receive a larger rainfall and do not depend to the same extent on tanks. The subject has been repeatedly pressed on the attention of the Government in representations year after year at the Assembly sessions. The discussions in the Council have also brought the question into prominence. A committee is now examining the condition of irrigation works in the Trivandrum taluk and as a result of its deliberations specific recommendations for the improvement of irrigation sources in the taluk are likely to be made. An allotment of Rs. 35,000 has been made for the improvement of irrigation sources in these taluks for 1099, but unless large allotments are repeated for some years, the work of restoring irrigation sources in these taluks is not likely to be appreciably achieved. In order to be in a position to expend these large allotments, prompt investigation and preparation of estimates are necessary, and this the normal staff cannot manage to do along with its current work.

I was, therefore, asked to send up revised proposals for a small temporary staff to investigate and prepare estimates for tanks, channels an other irrigation works in these taluks. My proposals are:—

One Supervisor II grade	Rs. 125-5/1-150.
One do. III do.	Rs. 80-5/1-120.
One Overseer	Rs. 50-5/2-70.
Two clerks	Rs. 30 each.

This scheme will involve an annual outlay of Rs. 5,400 including provision for T. A. and contingencies or Rs. 450 per month. This staff may be retained according to necessity in future years. The grant required for the remaining five months of the current year commencing

[President.]

from Kumbham is only 5 × 150 or Rs. 2,250 including the pay of the Second Grade Supervisor, out of which a sum of Rs. 1,625 has to be voted by the Council.

I hope I have now sufficiently explained matters to convince this House of the necessity for the above two grants and I accordingly beg to move for the same, *viz.*, Rs. 58,370 for works and Rs. 1,625 for the temporary staff, making a total of Rs. 59,995.

MR. JOSEPH PANJIKARAN (*Shertallai*): I wish to know whether this allotment is from the reserve fund, or whether it is a new grant.

PRESIDENT: If it is from the reserve fund he need not have come up to the Council for the grant.

MR. JOSEPH PANJIKARAN (*Shertallai*): Some provision is made for the Muttam-Arattunkal road. The Chief Engineer was referring to it. I wish to know whether that allotment is from the reserve fund.

PRESIDENT: Who made that allotment from the reserve fund?

MR. JOSEPH PANJIKARAN (*Shertallai*): The Dewan of Travancore when he visited Shertallai said that Rs. 10,000 would be allotted from the reserve fund.

PRESIDENT: You say that the Dewan, who is myself, did it. To the best of my recollection I never said so. I am afraid you have not understood Mr. Natesa Aiyar correctly. If it is out of the reserve fund, there is no need for coming to the Council. Reserve funds are intended for unforeseen works.

MR. JOSEPH PANJIKARAN (*Shertallai*): He referred to about Rs. 15,000 which was allotted for the canal from Puttanangadi to Vembanad lake, for the road from Muttam to Arattunkal and for certain other works, the allotment being made from the reserve fund.

PRESIDENT: The Chief Engineer did not refer to any reserve fund.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know what portion of the allotment for minor irrigation works for the Neyyattinkara taluk has already been spent.

MR. K. V. NATESA AIYAR (*Chief Engineer*): That does not arise here. I have not got the figures.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether he can give approximate figures at least.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Much work could not have been done during the wet months of the year. As regards new works, the estimates are getting ready. I can give him the information, if wanted, work by work. The total is not available.

PRESIDENT: That is not the question, Mr. Natesa Aiyar. He wants to know the total expenditure already incurred.

MR. K. V. NATESA AIYAR (*Chief Engineer*): I have not got the totals. The expenditure already incurred might not be much.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know whether Ambalapuzha is also included among the northern taluks of the State.

MR. K. V. NATESA AIYAR (*Chief Engineer*): I have read all the works included.

PRESIDENT: Ambalapuzha is in Central Travancore; it is not in North Travancore.

MR. K. V. NATESA AIYAR (*Chief Engineer*): He may take it that taluks to the north of Quilon are the northern taluks meant here.

PRESIDENT: That is not the question, Mr. Natesa Aiyar. He is asking you to interpret the term "northern taluks of Travancore" as distinguished from "taluks north of Qulion."

MR. K. V. NATESA AIYAR (*Chief Engineer*): Each member can interpret it as he likes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I want his interpretation. The reference is to the northern taluks of the State. My query is whether Ambalapuzha is also included there.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Northern taluks may be taken to mean those north of Quilon.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know whether Ambalapuzha has been included as one of such northern taluks.

MR. K. V. NATESA AIYAR (*Chief Engineer*): I have already read the list of taluks included.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Natesa Aiyar is aware of any Government order or proceedings which declares particular taluks to be northern, and others southern?

MR. K. V. NATESA AIYAR (*Chief Engineer*): I am not aware.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether it is likely that Ambalapuzha will, one of these days, be benefited by this allotment?

MR. K. V. NATESA AIYAR (*Chief Engineer*): This amount may not benefit Ambalapuzha, but I recently received a report about the Ambalapuzha-Takazhi road. I have asked for estimates for improving it and strengthening the bridges. Probably it will come for another supplementary grant when the estimate is ready. (*Laughter.*)

PRESIDENT: May I take it that the House grants the demand?

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I beg to oppose this motion. I am prepared to grant that all the items included in the supplementary budget are very necessary and very useful

[Mr. J. John Nidiry.]

for the general public of Travancore. But this has been sprung upon us as a surprise and we have not had breathing time enough to read or consider and intelligently make any observations upon the matter just before us. During the general budget discussion advance copies are given to us and we are enabled to take an intelligent interest in it and object to individual allotments. In this instance a wholesale sum for about 23 subjects has been sprung upon us. Even the very copy in my hand has been given only during the course of Mr. Natesa Aiyar's motion.

PRESIDENT: It is an unfortunate omission. The list should have been with you earlier.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): As a mere matter of protest—neither on the ground of utility nor urgency—I oppose the grant.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I feel I shall not be justified in opposing the motion. But it will not be fair on my part to neglect to take this opportunity of entering my emphatic protest against the way in which the taluks of Vaikam and Ettumanur have been treated in this arrangement. The attention of Government has been brought to the fact that the minor irrigation works in Vaikam and Ettumanur taluks are in a very backward condition, and that early measures may be adopted to remove that defect. The doles meted out to these two taluks are extremely meagre and I hope the earliest opportunity will be taken advantage of to remove this defect. I support the motion.

REV. FR KURIAKOSE VETTIKKAPALLI (*Todupuzha* cum *Kunnatnad*): Sir, I also beg to support the motion. But in doing so I have to say that the cases of Todupuzha and Kunnatnad have not been considered as they ought to have been. I pointed out during the general discussion of the budget that the Dewan, in spite of repeated promises to the representatives of the Kunnatnad and Todupuzha taluks, would not increase the present budget allotment. Even in the supplementary grant demanded, I see there is only Rs. 650 for Todupuzha and there is only a very small sum of Rs. 800 for providing a *junghar* in the Kunnatnad taluk. If the Chief Engineer thinks that, with this amount Todupuzha and Kunnatnad will be satisfied, he is mistaken. Still we must be thankful for what we have got, and pray for more. I would request the Chief Engineer that, when he comes with another supplementary grant, he would come up with a larger demand. The second point is that, year after year, a good sum is allotted for public works. But, at the end of the year, the greater portion of the sum remains unspent. I hope this year the same fate may not await the sum provided in the budget.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I have also great pleasure in supporting the demand made by the Chief Engineer. But, in doing so, I have to make one observation

I appreciate very much the sympathy shown by the Chief Engineer and the Government in supplementing the expenditure on communication in northern taluks. But I wish to add that, instead of providing Rs. 5,400 for additional temporary staff when the general complaint is that we have got too many employees in the P. W. D., some re-arrangement of the staff could have been very well thought of; and instead of spending more money on the additional staff, if that money had also been used for further expansion of communications, we would have been very thankful. With these observations, I support the demand.

MR. JOSEPH PANJIKARAN (*Shertallai*): I support the motion generally. I have also to enter my protest as to the way in which this item of expenditure has been sprung upon the Council to-day. We are very much pleased to see that some more money is going to be spent on the improvement of means of communication. But one thing I have to observe—and it is a thing to which I drew the attention of the Government last time—is that the money should be spent, and ought to be spent at the proper time. The great proportion of the money is not as a matter of fact utilised. When the rains set in, we cannot have much work done with advantage. On the other hand, the money could be better employed if that is spent at least at the time when there will be no over-pouring of rain. If the money had been spent by this time so far as the bridge construction or the road is concerned, I think it would have doubled the effect. What is generally done is that at the close of the year they rush in and then show off some account of expenditure. I do not want to accuse anybody of misappropriation. What I want to say is this. The money ought to be spent properly. It will be ill-spent if it is not spent at the time when it will supply the needs of the people; but all the same the Government treasury will be empty. The next thing is that the money should be actually spent and should not be allowed to lapse. Last year some amount was allowed to lapse. I think that should not be allowed this year. I would have spoken on some other matters. But the President said it would be discussed at some convenient time.

PRESIDENT: No, at some convenient place.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I support the motion for the demand. But I have to bring to the notice of the Chief Engineer some facts. There is a belief that, if there is any one department in the State which has a plethora of officers, it is the P. W. D. That being the case, I take serious objection to the further growth of the staff. Then with regard to the merits of the supplementary grant itself, if I am not going to be put down as jealous of the northern taluks, I would make one observation. That is to say, the comparative urgency of lines of communication in the northern taluks and the entire State will have to be taken into consideration before an exclusive devotion to any particular part of the State is admitted. It is in that light that the question has to be approached. No doubt, the northern taluks

[Mr. K. V. Natesa Aiyar.]

of the State suffer very badly on account of the absence of communication. But it does not mean thereby that other taluks such as my own are extremely blessed in the matter of communication. For example, I drew attention to the condition of the road from Ambalapuzha to Takazhi. Except in the town of Alleppey, I think that is the only provincial road in the Ambalapuzha taluk. I would challenge the whole set of P. W. D. officers if they can go over it without breaking their shins during the rainy season. I am raising the question why the inhabitants of Ambalapuzha taluk should be called upon to pay their dues under the Ferries Regulation and all manner of other Regulations without ever being served with proper means of communication. It is that aspect of the question that I would bring to the attention of the esteemed Chief Engineer, and I would request the member in charge to look at the comparative urgency of communications as between the various taluks. Even between the northern taluks there is an amount of suppressed jealousy, so much so that the whole matter will have to be viewed with respect to the nature of the density of the population that will be benefited. All these aspects have to be considered before the P. W. D. enters upon the proposal now before it. That is all that I have to bring to its notice.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Sir, with regard to the complaint that certain taluks have been neglected, I would only say that the original list prepared included some more works. The Government after a critical review in consultation with me passed it for Rs. 58,370. If more estimates are got ready and if other urgent works are brought to notice, they will also be considered.

Some members have said that the grants allotted have not been fully spent. I may say in reply that every effort is being made to spend the whole grant. There is an unfortunate impression that there was lapse last year. I may correct it and say that there was no such lapse but there was an excess under communications. This year, up to the end of Vrischikam, 26 per cent. of the grant under communications has been spent by the Alwaye, Kottayam and Quilon Divisions; the Trivandrum Division has spent 40 per cent. and the Kodayar Project Division 20 per cent. Such a percentage of outlay in the first four months of the year is rather creditable. Every Division Officer is endeavouring to expend the grants allotted and to carry out the works vigorously.

Some members pointed out that the additional temporary staff in question was unnecessary. Heavy retrenchment has been effected in 1098 and I have fully explained this in my budget speech in August last. The Salaries Committee has also said that the retrenched staff would be only just sufficient for the normal work of the department. For any intensive work such as the rapid investigation and restoration of irrigation works, additional staff will have to be provided. The Economic Development Board recommended that irrigation works should be speedily improved, and that an Executive Engineer, with sufficient executive staff under

him, was necessary. I first recommended that two Sub-Engineers and three Supervisors need alone be appointed and that the Executive Engineer was not necessary. The present proposal is for a reduced staff of only two junior Supervisors to make a beginning in the Trivandrum Revenue Division. This establishment would cost only Rs. 2,250 during the current year, assuming they would be employed from the 1st Kumbham.

MR. M. K. KHADIR PILLAI (*Nominated*): May I know from the Chief Engineer how much money is allotted in the supplementary demand for the Alwaye Division?

PRESIDENT: Rs. 10,000 and odd—he has already said that.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Rs. 10,650 for communications in the Alwaye Division proper, omitting the Shertallai works, as these have been recently transferred to the Kottayam Division.

MR. M. K. KHADIR PILLAI (*Nominated*): But I find in this list that only Rs. 1,150 is allotted. I want to know whether this list is correct.

MR. K. V. NATESA AIYAR (*Chief Engineer*): I will read out the items relating to the Alwaye Division:—Renewing the platform of the bridge on the Edappalli--Peruntur road—Rs. 650; providing *junghar* and ferry across the Kandanad stream on the road from the first mile, Antianad and Melkavu road, to the eighth mile, Lalam—Todupuzha road—Rs. 800; raising the low portions of the Muvattupuzha-Petta road—Rs. 1,200; improvements to the Palakkuzha—Todupuzha road, five to ten miles—Rs. 5,000; remetalling miles five and six of the Muvattupuzha—Todupuzha road—Rs. 3,000; and certain improvements to the District Hospital at Vaikam (operation room), Rs. 1,600. Total—Rs. 12,250.

PRESIDENT: Mr. Khadir Pillai, Mr. Natesa Aiyar will be able to explain to you the details later on if you go to him. Please proceed, Mr. Natesa Aiyar.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Unless the Council is prepared to sanction additional staff, it is not possible to ask for more grants for works. I have also to point out that money is never spent at the improper season. All works are executed in the proper working seasons. Mr. Panjikaran seems to have some misapprehension. I hope it will be cleared soon.

MR. JOSEPH PANJIKARAN (*Shertallai*): I never said that money was being spent through improper channels. I said that it should be spent at the proper time.

MR. K. V. NATESA AIYAR (*Chief Engineer*): The works which cannot be done in a particular season are not done in that season. That is why the expenditure is not proportionate in the several months of the year.

I think I have answered all the points raised in the discussion. I have nothing more to add.

[Mr. R. Krishna Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Natesa Aiyar if he is in the habit of inspecting roads after showers?

MR. K. V. NATESA AIYAR (*Chief Engineer*): Yes, I have inspected many times.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has he not found roads in the Trivandrum town unfit after a rain?

MR. K. V. NATESA AIYAR (*Chief Engineer*): I do not know of any such in the Trivandrum town. I know of some elsewhere in the Trivandrum taluk and in some other taluks.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know if the Chief Engineer and the Executive Engineers in charge of divisions journey on foot in their circuits, or on horseback.

MR. K. V. NATESA AIYAR (*Chief Engineer*): We are not ordinarily riding on horses now after motor cars have come into use. Wherever it is necessary to ride, we find horses for the purpose. I have been walking miles and miles recently and I have got this throat trouble as a consequence thereof. (*Laughter.*)

I beg to add that there is a correction in the demand. This sum of Rs. 5,400 for the additional staff is the cost per annum. The amount required for the remaining months of the year as explained by me already is only Rs. 2,250 including the pay of a 2nd grade Supervisor. The sum to be voted by the Council is only Rs. 1,625. The total demand to be voted is thus only Rs. 59,995. (Rs. 58,370 for works and Rs. 1,625 for staff).

The motion was put to the vote and carried.

DEMAND XXII.—MISCELLANEOUS—BRITISH EMPIRE EXHIBITION.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 31,129 on account of the expenditure connected with the participation of the State in the British Empire Exhibition, 1924.

In 1922 the Government after a careful consideration of the matter decided to participate in the British Empire Exhibition and communicated its decision to the Madras Government and provided a sum of Rs. 5,000 in the budget estimate for 1098. This was voted by the present Legislative Council at its first sitting held in July, 1922.

MR. C. SANKARA MENON (*Quilon*): Was the matter referred to the Economic Development Board?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): This question was not specifically referred to that Board.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was the British Empire Exhibition referred to in the budget?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It was not specifically mentioned in the budget for 1098. The usual heading—Madras and other exhibitions—was continued. The intention was to utilise the money for the Empire Exhibition.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was it explained in the budget?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not remember.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Was not a similar provision existing in the budget of the previous years when there was no Empire Exhibition?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Probably the same heading was given in the budgets for the previous years.

Later on, during the session of the Council held in April, 1923, a supplementary grant of Rs. 7,500 was asked for—Rs. 6,000 on account of collection of exhibits and Rs. 1,500 on account of a preliminary exhibition to be held in Trivandrum. Opportunity was then taken to explain to the Council the objects of this Government in participating in the British Empire Exhibition and to lay before the Council a brief account of the steps till then taken in connection with it.

The matter was discussed by the Council and the supplementary grant was allowed. Including this, the total allotment for 1098 was Rs. 12,500, but an expenditure of Rs. 4,291 only was actually incurred in that year and the balance lapsed at the close of the year.

The committee of officials and non-officials appointed to work out the details in regard to the participation of the State in the Exhibition thought that Travancore might have to incur a gross expenditure of a lakh of rupees and estimated that, out of this, half a lakh might be recovered, leaving the other half as the net irrecoverable expenditure. It was thought that this expenditure would spread over 1099 and 1100, and a sum of Rs. 50,000 was provided in the budget for 1099 on account of the Exhibition, including the cost of the preliminary exhibition to be held in Trivandrum. This was voted by the Council during its sitting in July, 1923. The preliminary exhibition was held in Trivandrum from the 5th to the 20th October, 1923. It is hardly necessary to mention that it was pronounced a great success and that it was a great eye-opener in respect of the large scope that exists for building up important industries in the country and trade with the outside world in a variety of articles, among which finished products play a prominent part. A final selection of the exhibits was made by the committee and the selected articles have been packed, insured and shipped to England. The producers of these articles have had to be financed to the extent of about Rs. 18,546. Most of this, if not the whole, is recoverable in due course.

From the accounts received from the Convener of the Committee, it is seen that out of the allotment of Rs. 50,000, an expenditure of Rs. 37,448 has already been incurred as follows:—

		Rs.
Expenditure for the British Empire Exhibition	...	12,151
Expenditure for the Preliminary Exhibition	...	6,740

[Mr. R. Krishna Pillai.]

	Rs.
Travelling allowance paid to non-official members of the Committee ...	571
Amount arranged to be placed at the disposal of Dr. Kunjan Pillai in London for expenses connected with the handling of exhibits in London and preparation, decoration, etc., of the Travancore Court, securing glass cases, racks, etc., arranging exhibits and meeting other incidental expenses.	15,268
Passage money (including railway fare) and warm clothing to Dr. Kunjan Pillai : £178 at Bh. Rs. 15 per £ ...	2,718
Total... ...	37,448
The balance available is ...	12,552

A sum of Rs. 3,288 was realised by the sale of tickets for the preliminary exhibition, auction sale of sheds put up in connection with it, etc. This amount has been credited to Government and cannot be utilised for expenses on account of the exhibition.

The following items aggregating Rs. 36,113 remain to be paid:—

		Rs.
(1)	On account of the British Empire Exhibition ...	34,566
(2)	On account of the Preliminary Exhibition ...	1,547

I have got the details and I shall mention them if necessary.

PRESIDENT: You had better read the details to the House. They are important.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

British Empire Exhibition.

		Rs.
(i)	Rent for space £ 1,504 ...	22,963
(ii)	Payment to private exhibitors for exhibits given by them ...	7,197
(iii)	Packing, shipping and insurance charges ...	3,405
(iv)	Amount due to the Conservator of Forests for the collection of forest exhibits ...	600
(v)	Prices of certain articles of furniture made in the P. W. D. Workshops, Trivandrum ...	491
		34,656

Preliminary Exhibition.

	Rs.
Payments outstanding for charges already incurred ...	1,547
Total ...	36,113

ITEM I (i). The rates of rent for space are 20 shillings per square foot of floor space and £ 2 per linear foot of wall space 10 feet high. Calculated at this rate, the rent for 1,224 sq. ft. of floor space and 140 ft.

of wall space (the area allotted to the State in the Exhibition grounds) comes to Sr. Rs. 22,963. It was thought that the time for payment of the rent was at the close of the Exhibition, but the Commissioner for India has been pressing for payment of the rent which is already overdue, as under the rules framed by the London Committee the same should have been paid within two months of the date of the allotment of space and the payment cannot be further postponed.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know the amount already spent on account of the exhibition.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The amount spent was Rs. 37,448.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): How was the amount spent?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have got details. I shall read the various items of expenditure that has already been incurred.

PRESIDENT: If you want, the items will be read, Mr. Madhava Variar.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It is not quite clear.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I will explain it. We have already spent a certain amount out of the allotment sanctioned. The amount actually comes to Rs. 37,448. I have got the details here.

PRESIDENT: Please state them.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): What will be the total estimate?

PRESIDENT: Please give the details that you have got.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The expenditure comes under two heads, namely, (1) the expenditure British Empire Exhibition and (2) that for the Preliminary Exhibition.

Expenditure for the British Empire Exhibition.

	Rs.
I. (i) Paid to Superintendent, School of Arts, on account of ivory, kuftgari, silver and brass articles supplied...	4,324
(ii) Paid to Mr. A. M. Muttunayakam Pillai on account of lace and embroidery articles purchased ...	4,432
(iii) Paid to the Director of Public Instruction for expenses connected with the collection of educational exhibits ...	546
(iv) Paid to the Conservator of Forests for the collection of forest exhibits ...	586
(v) Paid to the Director of Agriculture and Fisheries for the collection of agricultural exhibits ...	842

[Mr. R. Krishna Pillai.]

		Rs.
(vi) Paid to the Textile Expert for the purchase of textile exhibits	...	70
(vii) Cost of 50 photographs and their negatives showing different stages of the coconut industry	...	839
(viii) Miscellaneous expenditure incurred by the Convener, Exhibition Committee, in connection with the despatch of exhibits from Trivandrum to Quilon, making packing cases, glass boxes, telegram charges, etc.	...	512
Total	...	12,151

Expenditure for the Preliminary Exhibition.

II. (i) Cost of sheds, decoration, lighting, sanitary arrangements, medals, etc.	...	6,165
(ii) Transport charges of exhibits	...	675
Total	...	6,740
III. Travelling allowances paid to non-official members of the Committee	...	571

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know whether all the exhibits belong to the State?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No, some belong to the owners; we have advanced one-third of the value of the exhibits to the owners on the security of the exhibits.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Will the Chief Secretary be pleased to give us an idea as to the nature of the exhibits that have been selected and sent?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have got the catalogue here. I can circulate it. If the House has the patience to hear I will read it.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether this demand covers the deputation expenditure of Dr. Kunjan Pillai?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. I am coming to that later on.

MR. A. HOOGEWERF (*Nominated*): Was this demand anticipated, please?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Which demand, please?

MR. A. HOOGEWERF (*Nominated*): The present demand.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Exhibition Committee estimated the cost at Rs. 50,000. That was provided for and has been found insufficient. Hence the demand for a supplementary grant.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Was the deputation also included in the original estimate?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No; originally it was not included.

PRESIDENT: Please proceed.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have already read out most of the items of expenditure actually incurred.

PRESIDENT: You may read out the rest.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

		Rs.
IV. Amount arranged to be placed at the disposal of Dr. Kunjan Pillai in London for expenses connected with the handling of exhibits in London and preparation, decoration, etc., of the Travancore Court, securing glass cases, racks, etc., arranging exhibits and meeting other incidental expenses	...	15,268
V. Passage money (including railway fare) and warm clothing to Dr. Kunjan Pillai—£ 178 at Bh. Rs. 15 per £	...	2,718
The total of items I to V comes to	...	37,448

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): When did the idea of deputing a Travancorean strike the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It was suggested to the Government by the Exhibition Committee.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): That is, after the last Council?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Will the Chief Secretary give us an idea of the work Dr. Kunjan Pillai is going to do at the Exhibition besides being an exhibitor?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. He has to arrange the exhibits, see to the decoration of the courts, erect stalls, engage salesmen, etc.

MR. A. HOOGEWERF (*Nominated*): Besides the work of the exhibition itself?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He will make enquiries in regard to trade. He will have to explain to enquirers the features of the exhibits in their respective stalls.

The amount already incurred is Rs. 37,448. The balance available is only Rs. 12,552 out of the allotment of Rs. 50,000. Then I am coming to the amount which has already fallen due but has not been paid. The following items aggregating Rs. 36,113 remain to be paid, over and above the amount already paid. I have divided the expenditure, under two heads—the expenditure on account of the British Empire Exhibition, and the expenditure on account of the preliminary exhibition. The expenditure on account of the British Empire Exhibition comes to Rs. 34,566.

[Mr. R. Krishna Pillai.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): What was the rent originally fixed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There has been no change in the rate of rent. We are trying to effect a reduction if possible. Besides the items of expenditure already incurred and which have fallen due and which must be paid, provision has to be made for the following items which will fall due in the course of 1099, *viz*:—

			Rs.
1.	Dr. Kunjan Pillai's pay for 6 months	...	3,600
2.	,, Deputation allowance for the above period	...	720
3.	,, Boarding and lodging allowance at £30 per month for the above period —£180	...	2,748
	Total	...	7,068

It is also necessary to provide a sum of Rs. 500 on account of contribution to private local exhibitions that may be held in the course of the year. Thus the total additional expenditure for the year is Rs. 43,681. As stated above, the balance available out of the sanctioned allotment of Rs. 50,000 is Rs. 12,552 only. Deducting this, the additional allotment required is Rs. 31,129. Hence it is proposed to move this Council to vote this as a supplementary grant.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is the Chief Secretary in a position to tell us what corresponding amounts are estimated to be spent on account of the British Empire Exhibition by the States of Cochin, Mysore, Hyderabad and Baroda?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have not got figures for all these States. Mysore has allotted two lakhs of rupees. I do not know what Cochin has spent. I could not get the figures.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will the Chief Secretary be pleased to tell us whether Cochin has appointed a special officer?

MR. R KRISHNA PILLAI (*Chief Secretary to Government*): I have no official information.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know further whether there are any Travancore officers in England and, if so, how many?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is Mr. Gopala Menon who is undergoing a course of training.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Training in what?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Training in banking and commercial subjects.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Are there any more Travancore officers in England?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There are retired officers. There are medical officers in Scotland and England studying medicine.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I oppose this demand. This question with regard to the exhibition was not thoroughly discussed in this Council. When there was a demand for a supplementary grant with regard to the arrangement of the local exhibition, this question was not discussed and the Council granted the demand on the impression that the Council had already allowed a grant before. But the Council was under a misapprehension at that time. Last time when the Budget was discussed we had no time to discuss that question. So the whole amount for the British Empire Exhibition may be taken to have been spent without the express sanction of this Council. I am not convinced how the British Empire Exhibition is going to benefit our industry or commerce. It has been said in the last Council, and in this Council too, that the Empire Exhibition will benefit us very much industrially and commercially. That is only a statement which is to be proved adequately. I think the exhibition is only a fashion or entertainment in England and we should not spend a lakh of rupees for the Exhibition. It will not help us materially, and besides the amount which we have to spend on exhibits and on tents, for the rent to the tent we have to pay Rs. 22,000.

PRESIDENT: It is not a tent, it is a building.

MR. M. R MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): For the rent alone we have to pay Rs. 22,000 and for the decoration some more money, and how can the expenditure for the rent and decoration therefore help us industrially? And what are the articles sent to England?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): May I point out that a portion of the rent may be recovered from the private exhibitors? And if the exhibition as a whole shows a profit, we are also entitled to a portion of it.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): We do not know definitely what articles are sent to England. As far as I know they are all trivial and they will not fetch any profit even if they are advertised. On these grounds I oppose the demand for any additional expenditure on the Empire Exhibition to be held in England.

MR. A. HOOGEWERF (*Nominated*): I was one of those who strongly supported the demand for the exhibition when it first came up and I do so now also. The exhibition is conducive of very great results. It is one of the greatest events in the world, all nations coming together, every nation seeing each other's articles—it is going to be one

[Mr. K. C. Mammen Mappillai.]

-of the greatest assets of the English nation. But, as far as we are concerned, it should not be a simple show business. We are paying through our nose for this exhibition, and we, want our money's worth. Dr. Kunjan Pillai should not be simply there as a showman having a fine gay time of it telling people that this is that and that is this and so on. This is a great opportunity that is offered to this country through Dr. Kunjan Pillai. We must get our money's worth both from him and from the exhibition itself. It is useless simply showing the people who come there our raw products such as tapioca. It should not be an advertisement to foreigners to come here and exploit the country. That will never do. There must be something more substantial. There must be some solid results that will go to develop our industries. That is the main point. We are very backward in industry, and we have been spending a lot of money on it but till now nothing substantial has resulted. Therefore I hope that the Government will make the best use of this great opportunity that has been offered to them to utilise the services of Dr. Kunjan Pillai to the best interests of the State.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Sir, I was also one of those who supported the position that we should show our sympathy and make our contribution to the Empire Exhibition, but at that time I was never under the impression that the amount which would have to be spent on it would go so far, and I am afraid that further supplementary demands or other demands may be forthcoming. As for the matter of the deputation of a special officer for arranging our Exhibition in London I think it is rather a luxury than a necessity, and the arrangement could have been very well done by one of the officers who are undergoing training in England at our expenditure for specialising in a department which is closely connected with industries, exhibitions, etc., and instead of trying to make use of his presence there, the idea of sending a special responsible officer who has to do much work here for such a trivial thing is a waste of money in my opinion. But since the officer has already left us, there is no good in speaking about that matter. Still I would only enter my protest on any similar expenditure in the matter.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, I am one of those who justified the participation of Travancore in the British Empire Exhibition for several reasons. I know that some of our fellow citizens in British India, (*louder please*) from political motives, are trying to withdraw from the British Empire Exhibition as a means of inducing the British Government to allow political concessions to the people there. Except as a mark of sympathy to our fellow subjects in British India, I do not know whether the people in Travancore have got anything to do with the political aspect of the question. So far as political concessions are concerned, we depend entirely on His Highness the Maha Raja; and what His Highness the Maha Raja is doing or refrains from doing can have no manner of connection with the Britis

Empire Exhibition. Therefore the political aspect of the question which is so prominent in the agitation in British India does not at all come up for consideration in Travancore. There are also other considerations, *viz.*, that His Highness the Maha Raja who is a faithful and highly respected ally of the King Emperor, has, in accordance with the traditions of the Travancore State and the Royal Family, to ensure a proper and adequate representation of Travancore in any scheme in which the whole British Empire is represented. It is not doing honour to our Maha Raja or doing honour to our country when we are doing such things on a paltry scale. I must also say that I have a great faith in the advertisement value of the exhibition. We may not be able immediately to get our money value, but the whole world which is concerned in industrial matters will be assembling at the exhibition, and though one cannot know the direction in which our participation in such an exhibition may immediately help us, we can feel quite confident that such participation will eventually be of immense material help to us. Therefore, apart from the sentimental aspect of the question, I feel sure that, if only we, people in Travancore, know how to take advantage of the situation, it may be possible for us to derive advantage from this exhibition. For example, there is the ivory industry of Travancore. Every body who has seen our ivory carvings, expresses the highest admiration for them; but nobody has been able to make any commercial use of that reputation which our country has built up with regard to ivory carving. If our ivory carving industry is appreciated by a considerable section of the people and if anybody tries to push on the sale of our ivory carvings throughout the world, it is just possible that we might be able to build up a very magnificent and prosperous industry. This is only an instance out of the many that may be described. As soon as our representative returns from London we shall be able to know in which direction we may make an impression. If we are men of genuine trade instincts it may be possible for us with the advice of Doctor Kunjan Pillai so to act that the money we may expend on it will return to us several fold. Therefore on materialistic grounds we are perfectly justified in spending adequately and amply on our participation in the British Empire Exhibition, and I therefore gladly support the motion.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): Sir I doubt whether it is necessary at this stage that any plea or justification or apology should be recorded with regard to our participation in the British Empire Exhibition. As business-men we have gone into it; we have voted funds for it. The principle has been accepted Under these circumstances to bring forward political motives and subjects of that kind into the discussion, I doubt whether it is to our credit Therefore I must protest against the dragging in of the subject of political motives or political terrorisation. (*Hear hear.*) If we object to it we must object to it from a purely business standpoint. We have absolutely nothing to do with political motives in regard to the demand before the House.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries North*): I should like to know what Mr. Krishna Aiyar means,

[Mr. T. K. Velu Pillai.]

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): If there is any suggestion or any innuendo that anybody was actuated by political motives I want to enter a protest against it. On that ground and on that ground *only* did I refer to that part of Mr. Mammen Mappillai's speech.

I object to a part of the demand. It has absolutely nothing to do with politics. It is from a purely business standpoint. The other part of the demand, that is, that relating to the deputation of Dr. Kunjan Pillai, I object to; and I object to it on two grounds. First, we need not have gone into that expenditure. We have the assurance of Mr. Krishna Pillai here that there is already a Government officer in London and that his services could have been availed of. Thus a part of the expenditure could have been saved.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I never said that his services could be utilised for this purpose.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): There is a Travancore officer and his services could be utilised in connection with the exhibition and I said, and I say, that he could have been utilised. The passage money and other incidental expenses involved in deputing an officer from here might have been saved. Whether it is a penny or a pound, it is a great saving on principle, and we have to look into it merely on a question of principle. It may be that the passage money is only Rs. 1,200 or Rs. 2,000. It is the tax-payer's money and the State is bound to conserve that money and to save as much of it as possible. Therefore, I once again say that, in place of the deputation of Dr. Kunjan Pillai, Mr. Gopala Menon might have been entrusted with the task of taking charge of the exhibits and arranging the exhibition. The State would have been a gainer by this means. That is the first principle on which I object.

The second principle is that, after incurring the expenditure, after it has become an accomplished fact, the matter is brought to us for ratification and not for the purpose of sanction. No doubt it rests with the Government to depute Dr. Kunjan Pillai, but so far as the expenses are concerned this House has a right to be consulted. It may be that the Government have not had time enough, to ask for a meeting of this Council and make a demand early enough but this is another matter. Here is a *fait accompli* and the House is asked for ratification and not for sanction. I oppose on this ground also that portion of the demand which relates to the deputation of Dr. Kunjan Pillai. So far as the rest is concerned, we have entered into a contract and we must abide by it. We have applied for a place and that place has to be paid for.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. Krishna Aiyar has taken objection to the word "politics" in this connection. I think "politics" is a sufficiently wide term and the industrial regeneration of a country is a legitimate portion of politics.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): If it is in that Pickwickian sense, I withdraw my remarks.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I beg Mr. Krishna Iyar's pardon. My meaning is clear, not in a Pickwickian point of view, but in a scientific point of view. The industrial regeneration of the country is a portion of politics. I affirm once more, for my friend's satisfaction, that, taken in that light, I think that participation in a world function like the British Empire Exhibition is absolutely necessary for the industrial development of our country. There are immense facilities for such development. There are good raw materials. There is an intelligent population and there are specially trained and efficient officers who are charged with the reformation and reorganisation of industrial concerns. Dr. Kunjan Pillai who has been sent to England for this purpose is the Director of Agriculture and Fisheries, and as the House knows, he is also the President of the Economic Development Board. I can only think of one other officer who may have been deputed for the purpose and that is the Director of Industies. Anyhow Government have hit upon Dr. Kunjan Pillai, possibly because, in addition to his being the Director of Agriculture and Fisheries, he is also the President of the Economic Development Board.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Is Mr. Velu Pillai aware that Cochin has not deputed an officer for the purpose?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am aware of it and I shall meet that point. As to whether Cochin's action is wise or not that is a different question. As my friend Mr. Krishna Aiyar has pointed out, there is a completed agreement. Travancore has a prestige to keep in the eyes of the world. It has got an agreement to perform with the British Empire Exhibition Committee. We have told them that we would gladly participate in the function. They have allotted their grounds to us, and several arrangements have been made and Dr. Kunjan Pillai is on his way to England. I do not think that anybody would suggest that a cable should at once be sent to be delivered to him in Port Said asking him to come back, nor do I think that any of the members on this side of the House or the other would suggest that an immediate cable should be sent to England saying that Travancore wants to withdraw from the exhibition altogether. As a citizen of this State I cannot make up my mind even for a moment to make the suggestion. I am sure very few people will do so because the honor of the country is very dear to us all. Mr. Madhava Variar said that the exhibition is but an entertainment. The letter E is common to both the terms. But I do not see how the exhibition is an entertainment except in an extended sense. If Mr. Variar means that the scientific faculties or industrial experience of the world is to be an entertainment, the exhibition is an entertainment. It is an entertainment in no other fashion and no other sense. It has been said that Mr. Gopala Menon who is in England might have been directed to look after this exhibition. I have known Mr. Gopala Menon for a long time. He is a very intelligent man fit for any work, but

[Mr. T. K. Velu Pillai.]

I want him to use every moment of his time in England to his studies and to come out with remarkable success. I want him to get a world-wide reputation. By attending to the exhibition business lasting for about seven or eight months I do not want him to neglect the work for which he has been deputed. He should not be made to fritter away his time between his studies and the taxing responsibilities connected with the exhibition.

Mr. Krishna Aiyar points out that Cochin has not sent an officer from that State for the exhibition and asks us to follow that example. It is not for me to pronounce an opinion upon the wisdom of the Cochin Government; but I cannot congratulate Cochin on that, because if they are prepared to participate in the exhibition then they ought to have sent one of their own officers, but, possibly, they may have no officers fit to be so deputed and hence they have gone in for an outsider. Dr. Kunjan Pillai will be coming back with great experience. He will be able to tell us what is the particular industry that stands the chance of thriving in Travancore, which is the market for our properties, which of our manufactures are valued in England, which stands the chance of being valued in America, and where we have to look for purchasers. It will be conceded that Dr. Kunjan Pillai is a capable officer with sufficient experience of the country. He has gone about the country, and I think the only other officer, as pointed out by me before, who could have been deputed is the Director of Industries. That question however is not to be discussed now. If such persons come back to our country with their vision extended and their experience amplified they will be an asset to Travancore. Therefore, Sir, I say that apart from all differences of opinion with regard to the necessity for Travancore participating in the Empire Exhibition, I think that Travancore has sent one of the right men. I may also observe that other States such as Mysore, Baroda, even the Provincial Governments—Bengal, Bombay and Madras—all these have sent only Indians as representatives. It is a significant circumstance. If the object of those Governments was only to participate in the exhibition and advertise themselves, Europeans would have been sent at least from some of the above States. On the other hand we find the organising Secretary and most of the representatives sent for the exhibition are Indians and I think it is only because all these States want that these Indian officers should return to their country with sufficient experience and use their experience for the uplift of India as a whole. I do not see it possible for me to accept the argument of my friend Mr. Nidiry who said that if he had known that the amount was so much as it is now he would have taken a different view at the last budget. Expenditure, Sir, is not the most important thing. If we decide upon a course of action which will redound to the advantage of Travancore, I am for spending a larger amount rather than stint money and obtain bad results. In so far as the Government have decided that we should participate in the exhibition and as articles have been made to order and shipped to their destination and as the whole

world is looking forward to the Empire Exhibition as an opportunity to familiarise themselves with the excellent products of Travancore, I do not think for a moment that we shall be justified in asking Dr. Kunjan Pillai to come back or writing to the Empire Exhibition Committee that we want to recede from the undertaking. Whatever may be the difference of opinion about our participation, now that the Government have embarked upon that policy and have arranged even to the minutest detail, as honourable citizens of an honourable State we cannot withdraw. We have to keep our promises and therefore apart from the question of advisability of participation I am for allowing these funds. If a person goes to England we do not want him to go about like a pauper, whether he is a big officer or a small officer, when he represents the State. This is an important State and the office, must have sufficient comforts. He must have money enough to move about; otherwise Travancore will be the butt of redicule. I look forward to the time when our representative will come back with his vision extended and his experience enriched in order to take back upon himself the very responsible duties of the President of the Development Board and the Director of Agriculture and Fisheries. For these reasons I support the motion before the House.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, the objections to the motion have been already answered by my friends Messrs. Mammen Mappillai and T. K. Velu Pillai and I do not think I need answer them in detail. In regard to the deputation of Dr. Kunjan Pillai as the representative of this Government, I must say that the money spent on the exhibition would have been an utter waste if a capable and resourceful officer like Dr. Kunjan Pillai had not been sent. This is what the Commissioner for India says in regard to the deputation of representatives to the exhibition:

"The various provincial Governments and Indian States have, in compliance with the Commissioner's suggestion, deputed their special officers to go in charge of their exhibits to Wembly Park, so that those that have spent months in the collection and selection of the best, and economically, the most valuable exhibits of both raw and manufactured products, may be on the Exhibition grounds to explain to inquirers from all over the Empire the features of the exhibits in their respective stalls. These representatives will have special opportunities of studying the conditions and requirements of overseas markets and the opening there is for Indian products of various descriptions. They will return to India with a broadened outlook and with unique experience to serve their respective provinces and states."

So that the deputation of an officer was an absolute necessity. I find that some of the leading Indian States have sent more than one representative. Patiala and Bikanir, for example, have sent two representatives each.

MR. A. HOOGEWERF (*Nominated*): Are those officers Directors of Industries or Directors of Agriculture.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): If necessary I shall read out the names of the representatives sent from different States.

Bengal—Rao Bahadur J. M. Mitra, Registrar of Co-operative Societies.

[President.]

Bombay—Mr. R. D. Asli, late Assistant to the Trade Commissioner.

The Punjab—Mr. L. Health, Controller of Arts and Crafts Depôt, Lahore.

Behar and Orissa—Mr. E. C. Ryland, Retired D. I. G. of Police, Behar and Orissa.

Madras—Rao Bahadur S. K. Sundaracharlu, Madras Civil Service.

Bikanir—(1) Mr. C. B. La Touche, Retired Manager, J. B. Railway.

(2) Mr. Brij Mohan Lal, Director, School of Arts, Bikanir.

Mysore—Mr. S. G. Sastri, M. Sc., Industrial Chemist, Mysore Government.

Patiala—(1) Mr. S. Wajir Chand, Director of Sericulture, Patiala.

(2) Mr. M. W. Hutton, Taxidermist, Patiala.

Baroda—Mr. K. R. Dotivala, M. A.

Kashmir—Mr. D. N. Nagarakatti, Director of Commerce and Industries, Jammu and Kashmir.

All these States have sent their representatives, and it would have been a very serious omission if we had not sent our own representative. As regards the selection it was made by a non-official committee. Mr. Krishna Aiyar suggested that Mr. Gopala Menon's services could have been utilised in connection with the exhibition. That could not be done. In the first place he is holding a scholarship and is seriously engaged in his study. As a matter of fact his final examination comes off in April next and it would be a very serious matter if he is not permitted to join the examination. Further Mr. Gopala Menon is not well-versed in this matter, and he has had no practical knowledge of exhibitions. Dr. Kunjan Pillai it was who collected the exhibits and the selection was made at the instance of the non-official committee and he is therefore the best under the circumstances.

MR. A. HOOGEWERF (*Nominated*): Has he got a thorough knowledge of the industries of the country?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*: He has been moving about the country and is, under the circumstances, the best officer for the purpose. I do not think that there is anything else for me to answer.

PRESIDENT: I shall now put the motion to the vote of the House.

The motion was put and carried 31 members, voting *for* and 6 *against*.

The grant was made.

LEGISLATION.

The Travancore Majority Bill.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Majority Bill be taken up for consideration now. It was introduced at the last meeting of the Council and the House resolved that the Bill need not be referred to a Select Committee. Therefore, it stands for consideration by this House now.

Mr. K. GEORGE (*Financial Secretary to Government*): I second it.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No notice of any amendment has been received.

PRESIDENT: So I take it that the House accepts the Bill without any amendment.

The Bill was adjourned for being finally passed on a future date.

Revenue Recovery Regulation Amendment Bill.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The next item on the agenda is the Revenue Recovery Regulation Amendment Bill. This also was, with the permission of the House, introduced at the last meeting and the House resolved that it need not go before the Select Committee. I, therefore, beg to move that the Bill may be taken up for consideration now.

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): I second it.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Here again there has been no notice of any amendment.

The Council accepted the Bill. The Bill was adjourned for being finally passed on a future date.

The Government Securities Bill.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to present the report of the Select Committee on the Government Securities Bill. I further move that the same be taken up for consideration.

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

Clauses 1 and 2 in respect of which no notice of amendment had been received were added to the Bill.

Clause 3.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move certain amendments to clause 3. I propose to add the words "or except as provided specifically in the instrument itself" before the words "no notice" in line 1.

Clause 3, as it stands at present, is to the following effect:—

" Save as otherwise provided in or under this Regulation, no notice of any trust in respect of any Government security shall be receivable by Our Government.

[Mr. P. K. Narayana Pillai.]

2. "Our Government shall not be deemed to have received notice of any trust by reason only of the fact that it has recognised an endorsement on a Government security by an executor or administrator as such, nor shall it inquire into the terms of any will by which such executor or administrator may be bound, but, on being satisfied of the due appointment of such executor or administrator, it shall be entitled to treat him as the full owner of any Government security belonging to the estate of the person whom he represents."

With respect to the previous history of the legislation upon the subject, it may be pointed out that the Government Securities Act in British India was an Act of the year 1881 which itself was amended in the year 1885 by a subsequent Act. Both these Acts were subsequently repealed by Act XIII of 1886 which in its turn was again repealed by Act X of 1920. That is the history of the legislation in British India on the subject..

In the matter of Government securities, Act XIII of 1886 was too rigid on the subject of trusts. Section 4 of that act may be referred to in this connection and that laid down that no notice of any trust would be taken by the Government with respect to any Government security. And it was found to work considerable hardship, with the result that in the existing statute on the subject, *i. e.*, the Act of 1920, modified recognition of trust was practically admitted and that has been adopted by my friend Mr. V. Subba Aiyar as clause 3 in the present Bill.

My submission is that the exceptions provided are not sufficient so far as the conditions in Travancore are concerned. Here, for example, the Government and the people generally will have to deal with a number of institutions which are entirely of the religious trust variety. For example, suppose there is a loan contracted by the Government of Travancore from a Devaswom. In such cases the amount is borrowed by the Government from a trust fund. To show that, in such circumstances, Government will not take notice of any trust at all would certainly be prejudicial to the institutions concerned. So, in addition to the exception that has been shown in the India Act, I would add the following also—that where the instrument itself provides or indicates that the dealing is in relation to a particular trust, certainly Government cannot say that they will not take notice of any trust.

It is only for that purpose that I have brought forward this amendment. Even in British India the rigidity with respect to the recognition of trusts in relation to Government security has been considerably relaxed. British Indian legislation has taken care in certain other instances also; that is to say with respect to Government securities in favour of Indian States, it is stated that they would not be subject to any provision in the said piece of legislation. They, therefore, made very clear exception with respect to certain Government securities in British India. I therefore, point out that, in view of the very great number of trusts in Travancore, the clause as it is at present may prove a serious hardship. I press that my amendment be accepted.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may first explain the section itself, because the amendment to my mind is based upon some misconception. What the section says is that no notice of any trust in respect of a Government security shall be receivable by Government. That is, the person mentioned in the document should be treated as the owner of the security. Even though he may be a trustee, even though the endorsement on the security may evidence a trust, Government ought to take no notice of it. In other words, what the clause proposes to do is that the Government shall not enter into any detailed enquiry as to whether any other person than the one named in the security is entitled to the money or whether there are beneficial owners behind the trustee mentioned in the document itself. What Mr. Narayana Pillai wants is that, if the designation of the person named evidences a trust, the Government ought to recognise that trust. I do not see the necessity for any amendment at all. If a security is issued in the name of A as a trustee of a particular Devaswom, it is A that is entitled to receive payment. If A ceases to be a trustee it is open to him to endorse the document to the new trustee; but if A will not so endorse, or is not prepared to recognise the new trustee, Government should not be required to take evidence and decide who the proper trustee is. It is open to the new trustee to go to a court to establish his right and get an injunction. If the amendment is accepted it will be throwing a very serious responsibility on the Government. The proper course is not to confer any right on the trustee. Rules will be framed. The authorities of the trust might request Government not to pay anything to the dismissed trustee. I do not think that any separate exemption is necessary for this. I do not, after all, think it to be a very difficult matter.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I wish to know whether Mr. Subba Aiyar has any particular objection to accept the amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The question in such cases will be whether we should give importance to the name or to the designation. Matters of this kind are purely technical and have been discussed by very many experts. Let me read from the *British Indian Government Securities Manual* to show what obtains there.

"A common form of such irregular endorsements are those in which mention is made of a trust, *e. g.*: "Pay to A, Trustee for B," or "Pay to A, Guardian of B," or "Pay to Judge of A, on account of B's security," Government do not undertake any responsibility as regards such endorsements; if they did so, they would not be discharged of their liability, in respect of their original undertaking, by simply making the payment to A, for he may have ceased to be B's Trustee, and Government would be accepting an obligation which would lead to much trouble. It is for this reason that section 4 of the Indian Securities Act lays down that no notice of any trust, in respect of any Government security, shall be receivable by Government. Persons who endorse notes in such a way do so, therefore, at their own risk. The words, in such endorsements, indicating the trust,

[Mr. P. K. Narayana Pillai.]

should be regarded by Treasury Officers as so much surplusage and whenever such a note is endorsed to or by A as a trustee, or in any similar capacity, he should be treated in all res ects as the owner of the note in his personal capacity. Although, however, this is sufficient to discharge Government's responsibility it is desirable that Treasury Officers should advise A to get the note renewed in the name of the beneficiary, as a measure of self-protection against any liability which he might otherwise incur, in respect of his trusteeship, owing to his having dealt with the notes in his personal capacity."

It will be seen from the above that this Government will be undertaking a very serious responsibility by recognising such trusts. It is to avoid such difficulty that the clause is worded as it is.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether the Government experince any difficulty in recognising the successors.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No; not as heirs.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I wish to know whether the section will apply to bonds executed before the Regulation.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The section is not intended to be retrospective.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I was also a member of the Select Committee who sat upon this Bill. It appears to me that the section applies only to trusts created subsequent to the issue of the bond itself. Therefore the amendment proposed by my friend does not arise from the section because the object is gained by the section standing as it is.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In spite of the explanation, I press the amendment. The fact that the necessity in such cases as I pointed out is not likely to arise is no consolation. The section has no retrospective effect. But suppose hereafter a loan is to be floated and Government borrow from one of the Devaswoms here; Government according to this section, might refuse to take notice of that trust. Clause 3 says:

(1) Save as otherwise provided in or under this Regulation, no notice of any trust in respect of any Government security shall be receivable by our Government.

(2) Our Government shall not be deemed to have received notice of any trust by reason only of the fact that it has recognised an endorsement on a Government security by an executor or administrator as such, nor shall it inquire into the terms of any will by which such executor or administrator may be bound, but, on being satisfied of the due appointment of such executor or administrator, it shall be entitled to treat him as the full owner of any Government security belonging to the estate of the person whom he represents.

Suppose there is an *Ooralan* who lends money in the name of a Devaswom. He might be the holder of the bond. Suppose he is dismissed after some time; then who is to receive the money? That section says that the holder of the bond alone is entitled to payment. Government might say that they could undertake the responsibility of finding out the real claimant. The holder will be the only person entitled to receive payment

PRESIDENT: The holder of the bond will be answerable for the money.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): He may be a pauper.

PRESIDENT: You may get an injunction against payment to him.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the circumstances it will be a real hardship. Therefore I press the amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have only a word to say. The question in such cases is, which should be given the preference, the name or the designation. According to the section the person named in the bond will be preferred. In case where the holder of the security is a pauper a remedy may be obtained from the civil courts where a suit may be filed and an injunction obtained.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*). Another person must know of the existence of a security bond.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Accounts are in the hands of the committee which manages the trust. They very well know that --

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know from Mr. Subba Aiyar whether he is not aware of instances in which a trustee refuses to submit accounts after he loses his office.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In such cases the Government cannot go into the question as to whether the trustee has been properly removed by a competent authority and whether the new one has been duly appointed. The aggrieved party should go to a civil court and obtain the necessary relief.

The amendment was put to the vote and lost, 6 voting *for* and 26 *against*.

Clause 3 was added to the Bill.

Clause 4.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move the following :—

Clause 4. For sub-clause (2) substitute the following: "This Section shall not apply where such death has occurred before this Regulation comes into force."

Clause 4 reads thus:

(1) Notwithstanding any law to the contrary—

(a) When a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall, ***subject to such rules as may be prescribed***, be payable to the survivor or survivors of those persons, and

[Mr. V. Subba Aiyar.]

(b) when a Government security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after this Regulation comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

Here the clause has been expressly made retrospective. Before this particular Regulation has come into force, the death of any particular person who is a joint holder of Government security might have occurred. Certain rights get already vested in certain persons who are jointly entitled to the money due under the joint promise. In British India the matter is regulated by Section 45 of the Contract Act. In Travancore there is a reported case in 10 T. L. R. 198, page 200, which says that the survivor will be entitled to the amount due along with the heirs of the deceased. My friend may say that the British Indian Act has been made specifically retrospective. But there Government securities have been in existence for a very long time, say from 1881 onwards. But in Travancore we have Government securities for the first time. Under such circumstances I, may submit it would not be right on the part of the Government to ignore the vested rights of the parties concerned. I certainly understand that Government do not want to trouble themselves with enquiries as to the rights of the original holders. But having allowed certain rights to vest in particular individuals, I think this restrospective effect would cause serious hardship, if they are now divested of those rights. I therefore propose the amendment for acceptance by the House.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Here again I may at once explain to the House that the object of the clause is far from divesting any interest already vested in individuals. As I explained when I introduced the Bill the object of this Bill is to make the security easily marketable, and what I am trying to explain is that, in cases where one of the persons mentioned in the document is dead, the survivor shall be entitled to the money. That does not, to my mind, in the least interfere with the vested right of any particular individual. Nor does it reveal that the object is to divest any vested right. The person interested can have his right established by a court of law and he can ask the Government not to pay the money to any other than the person entitled to it. I think it is clear now that the object of the clause is not to divest any right vested in any person. I therefore beg to oppose the motion.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : May I ask Mr. Subba Aiyar whether the expression 'this section' in sub-clause (2) is intended to mean the sub-section or the whole section.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : Any way it makes no difference. We might take it that it means the whole section.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): If it means the whole section it need not be put down as a separate sub-section.

PRESIDENT: It is enough if sub-section 3 is numbered as sub-section 2.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Subba Aiyar has given an assurance to this House that he did not think of divesting rights already vested. Perhaps he might not do so on account of his generosity. A court of law may not attach very great authority to the proceedings of this Council or the assurance given by the Government member in charge of this Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): By way of explanation I may say that no assurance of mine need be quoted in any court of law. Sub-section (3) of Section 4 reads as follows:

" Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): When I am talking on this section, Mr. Subba Aiyar could certainly have done me the justice to think that I have read the whole Bill. I do not think he is justified in thinking that I am ignorant of the provisions of the Bill. But the difficulty is this. While Mr. Subba Aiyar wants to rid the Government of any difficulty or responsibility, why should the subject be put to the necessity of a suit being filed, vakils being engaged and the matter being subjected to a judicial enquiry? Further, I think, Mr. Subba Aiyar was telling us that, in this particular Bill, there is no provision to prevent a party from getting redress in the civil courts. Ordinarily, Sir, that might have had no great significance. But when we remember that several of the Bills have been wrongly interpreted by the High Court in spite of the wording being very clear and unambiguous we are not in a position to give very great weight to the statements of Mr. Subba Aiyar that there is no such prohibition in the Bill and that the party is entitled to go to a court of law for redress. The explanation given by the Law Member is not quite convincing. I trust the Council will see that the object of this section is not to confer any right upon the people but it is an attempt on the part of the Government to protect itself. Sir, in justice to the country, I trust that the Law Member will take this aspect of the question into careful consideration and accept the amendment because the Government do not lose any thing by the acceptance of the amendment. The necessity of putting a party to the expense of a very protracted and ruinous litigation is a very serious matter to be considered. It is against the principle of legislation. We know so many instances in which courts of law overrule the legislature as was done in the case of the Nair Regulation. Section 26 of the Regulation in spite of its being very clear was wrongly interpreted and decided. I think it is dangerous to import into this Bill this drastic measure just for the purpose of enabling the Government to

escape responsibility. It is for the Government to accept the full responsibility and save the parties from seeking redress in courts of law.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I wish to say a word in support of the amendment. Even at the Select Committee this section gave rise to a great deal of discussion and good deal of trouble. We were not all for this drastic provision. Therefore the amendment was made in the old section itself. Section 4 reads as follows :—

(1) Notwithstanding any law to the contrary

(*a*) when a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall, subject to such rules as may be prescribed, be payable to the survivor or survivors of those persons, and

(*b*) when a Government security is payable to two or more persons severally and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, or to the representative of the deceased, or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after this Regulation comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): By way of explanation and with a view to cut short discussion, I may say that there is no intention at all to divest or in any way affect any vested right. If my friends think that the clause as it stands may work hardship, I have no objection to omit the clause. But I cannot accept the amendment as it is. Unless specifically mentioned in the Regulation, no provision will have any retrospective effect. It is therefore enough if sub-clause (2) of clause 4 is omitted. I therefore beg to move that sub-section (2) of clause 4 be omitted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I withdraw my amendment and second Mr. Subba Aiyar's amendment.

Mr. Subba Aiyar's amendment was accepted by the House and sub-section (2) of clause 4 was omitted.

Clause 4 as amended was added to the Bill.

Clauses 5, 6, 7, 8 and 9 were added to the Bill.

Clause 10.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move :

Clause 10. Add after "Mitakshara law" in line 8, the words "or of an undivided family governed by the marumakkathayam law or managed on lines similar to marumakkathayam law or in the case of Malabar Brahmins."

Now clause 10 as amended reads thus :

"Subject to the provisions of Section 11, a person claiming to be entitled to a Government promissory note may on applying to the prescribed officer, and on satisfying him of the justice of his claim and delivering the promissory note receipted in the prescribed manner, and paying the prescribed fee, if any, obtain from such officer a renewed promissory note payable to him.

Provided that, when application is made for the renewal of a Government promissory note which appears to the prescribed officer to stand in the name of a deceased member of a Hindu undivided family governed by the Mitakshara law or of an undivided family governed by the marumakkathayam law or managed on lines similar to marumakkathayam law, as in the case of Malabar Brahmins, a renewed promissory note shall not be issued to the applicant unless he furnishes a certificate signed by such authority and after such enquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the Mitakshara law, that the promissory note formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family."

This section, like the others, has been fully reflected from the corresponding section of the British Indian Act passed by the Imperial Legislature.

In British India there is a preponderance of Mitakshara families and therefore the section refers to the Mitakshara family. There are only a few Malabar families there and so the Malabar families have been included in the explanation. But here the circumstances are different. The explanation of the section is as follows:

"The expression Hindu undivided family governed by the Mitakshara law shall for the purposes of this section be deemed to include a Malabar *tarwad* ".

First of all what is exactly meant by a Malabar *tarwad* is not clear. Of course in British India it will not lead to any difficulty, because Malabar there refers to British Malabar. But Malabar *tarwad* need not necessarily mean the Travancore *tarwad*. That is one objection.

Secondly, Malabar *tarwad* is said to be included in the expression Hindu Mitakshara family. Now there are *tarwads* among Mahomedans in certain parts of Travancore, for example Edava, where Mahomedans follow the *marumakkathaya* system. They also have the joint family system. Then again there is the case of Nambudiris who have Malabar *tarwad* with *makathayam* inheritance. Whether these are included in the expression Malabar *tarwad* is not quite clear. In British India there is no such difficulty. Since there is a preponderance of a Hindu Mitakshara family, the clause occurs as it is in the British Indian Act. I therefore propose that the section might be amended as follows:

Subject to the provisions of Section 11, a person claiming to be entitled to a Government promissory note may, on applying to the prescribed officer, and on satisfying him of the justice of his claim and delivering the promissory note receipted in the prescribed manner, and paying the prescribed fee, if any, obtain from such officer a renewed promissory note payable to him.

Provided that when application is made for the renewal of a Government promissory note which appears to the prescribed officer to stand in the name of a deceased member of a Hindu undivided family governed by the *marumakkathayam* law or managed on lines similar to *marumakkathayam* law as in the case of Malabar Brahmins, a renewed promissory note shall not be issued to the applicant unless he furnished a certificate signed by such authority and after such enquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the Mitakshara law, that the promissory note formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family.

[Mr. V. Subba Aiyar.]

The explanation may be done away with, if my amendment is accepted. That is the object with which the amendment has been brought forward. It will avoid all manner of ambiguity. It will include all manner of corporate families existing in Travancore.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amendment seems to be based on sentimental grounds. I do not think that as a matter of fact there is much to be said in favour of the amendment. It was said that in the case of British India we could understand the expression Malabar *tarwad* and that in the case of Travancore it is not possible to understand it. I am inclined to join issue with my friend on that point. Ordinarily the expression 'Malabar *tarwad*' is understood to mean an undivided family governed by Malabar law. I will refer my friend to the Travancore Law Reports and the digests thereto. The explanation is quite intelligible. If the section is amended, as suggested, it will not read well and it will become very cumbrous. I do not think there is any difficulty in understanding the section as it is.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does it include an Ezhava *tarwad* also, whatever be the system of inheritence?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Certainly. I suppose Ezhavas are also Hindus.

I do not think there is any difficulty in the section. So far as the amendment itself is concerned, I rather think that it is cumbrous. I do not think it will be good drafting. If, however, the amendment is pressed by my friend I would put it as follows:—

"Hindu undivided family governed by the *marumakkathayam* law or managed on lines similar to *marumakkathayam* law as in the case of Malabar Brahmins".

The expression Hindu undivided family for the purpose of this section includes every *tarwad* or family governed by the Malabar law of inheritance.

PRESIDENT: Does it imply undivided family also?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

PRESIDENT: Why not you say: "Malabar *tarwad* of all descriptions."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think that is necessary because my amendment comprehends all undivided families in Travancore.

MR. C. SANKARA MENON (*Quilon*); I think it is better that the expression 'Malabar *tarwad*' is clearly defined.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think there is any necessity to do it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do not think it will include *illams*. Therefore, it is better to say "families governed by *Marumakkatayam* law or Malabar law of inheritance."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): "Undivided families governed by the Malabar law of inheritance." I suppose that will do.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I point out that there are two classes of Malabar law?

PRESIDENT: The amendment is sufficiently comprehensive.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will Mr. Subba Aiyar omit the last portion of his amendment "of inheritance".

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have no objection. I think the expression "undivided families governed by Malabar law" is sufficiently comprehensive and will satisfy Mr. P. K. Narayana Pillai.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no objection to withdraw my amendment and accept Mr. Subba Aiyar's amendment, *viz.*, that the words 'undivided families governed by Malabar law' be substituted for 'malabar *tarwad*' in line 2 of the explanation to Clause 10.

The amendment was accepted by the House.

Clause 10 as amended was added to the Bill.

Clause 11.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to move that 'six months' be substituted for 'three months' in sub-clause 1 (*c*) of clause 11.

The section says that before the expiry of a period of three months from the date of declaration notice should be issued to the officer that proceedings have been instituted in a court of law. According to section 409 of the Civil Procedure Code a period of 3 months is the irreducible minimum for a notice to be served upon the officer or Government before a suit is filed. Within the same period according to this section the party has to give notice to the officer concerned that a suit has been instituted in a court of law. I do not think that the same period will enable him to do so. I would, therefore, suggest that 6 months be substituted in the place of 3 months. That is the object with which I have brought forward the amendment.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may say that it was fixed at three months because the Limitation Regulation Amendment Bill that is now before the House exempts the period of notice. I fear the Limitation Bill will take some time to become law.

[Mr. P. K. Narayana Pillai.]

I think six months will be too long a time. Anyhow, I have no objection to accept the amendment.

The amendment was accepted by the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I beg to move that in line 3, of sub-clause 2, for the words "a copy thereof" the words "records of such enquiry," be substituted.

Original documents such as the statement of witnesses recorded by an officer may be sent to the officer who has to form an opinion in the matter. Whatever be the wisdom underlying the parallel section in British India, I think we may make a departure.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I accept the amendment.

The amendment was carried.

Clause 11, as amended, was added to the Bill.

Clauses 12, 13 and 14 were added to the Bill.

Clause 15

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I beg to move the following amendment to clause 15 :

"*Provided that in the case of a Government security renewed under Section 11 or Section 16, nothing in this Regulation shall be deemed to bar a claim against the Government in respect of such security by any person who had no notice of the proceedings under those sections, or who derives title through any such person.*"

Section 11 provides that an officer authorised by Government may adjudicate with respect to the claims of persons who apply for the renewal of any Government security. Now if that officer decides in favour of any particular party it is certainly open to Government to adopt a particular course under the Regulation. Under the British Indian Act we have a parallel section which says that no person shall be prejudiced by any proceedings of which he had no notice. Somehow Mr. Subba Aiyar thought fit to omit that provision while he has followed the British Indian Act in all other provisions very closely. My contention is that, in the absence of any notice, no person should be prejudiced by the orders passed by the authorised officer. The renewal of a Government Security is likely to be passed under two sections of the present Regulation—sections 11 and 16.

I submit that in both of these sections it is obligatory that there should be notice. My submission is that in the absence of any such notice it should not be held to prejudice any party who had no notice. If my friend wants me to refer to the parallel section I may point out the section in the British Indian Act. Clause 2 of Section 17 of the Indian Act may be referred to.

That is with respect to section 11 of our Bill. The British Indian section is very clear in the matter. So far as section 11 of our Bill is concerned, notice seems to be absolutely necessary.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to point out that section 17 of the Indian Act does not find a place in the Regulation. It deals with a particular class of bonds, *viz.*, securities which are payable to bearer. Such bonds are not intended to be issued here and therefore no such provision is made in our Regulation. What clause 15 says is that, if the things mentioned in the section have been done, Government shall be discharged of all liability at the expiry of six years. In other words what the section proposes to do is to prescribe a period of limitation for discharging Government from all liability. Now in the case of evey renewal or other transactions mentioned in the section certainly the prescribed rule will have to be followed. In the case of transactions not relating to immovable property, the period fixed in the Limitation Regulation is ordinarily six years. I do not think why we should import the question of notice to the party in this section. I am inclined to think that this section, as it is, is perfectly clear and reasonable and will not incovenience anybody. There is greater security also. Government may decide in favour of a particular person. The person in whose favour the decision is made should have some security of title at least after six years. I believe six years is ample time for safeguarding anybody's rights. The question of notice therefore does not arise. I find it difficult to accept the amendment. I therefore oppose it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I do not quite understand my friend Mr. Narayana Pillai when he objects to the section which says that, after the expiry of a certain period, Government will be discharged of their liabilities. With reference to parties the only question which can be raised is whether the period mentioned is reasonable. As for that, the time fixed is the ordinary period fixed in the statutary limitation and I do not think that period is insufficient. As for the general right of any individual filing suits there is the Civil Procedure Code which can be taken advantage of by the party entitled. I do not think the section, as it is, is likely to cause any serious hardship.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I also oppose the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am sorry my friend has not understood me correctly. My contention is that the Law Member seems not to have followed the second clause of section 17 in the British Indian Act on the subject.

It runs as follows:

"Provided that in the case of a Government promissory note renewed under section 13, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person who had no notice of the proceedings under that section, or who derives title through any such person."

[Mr. V. Subba Aiyar.]

My friend says that the Government are discharging their liability only after six years. That is irrelevant. Anybody who has a right might exercise it before the expiry of that period. Suppose, before the expiry of that period one of the joint owners gets the bond renewed by the officer invested with the power without notice being served on the rival claimant. What is to be done under such circumstances? The period of limitation can be calculated only from the date of the knowledge of the party entitled. If it is after four years the party will have only two years before him. To keep up the liability of Government the British Government has provided a safeguard in the matter. I do not see why the Government of Travancore alone should be entitled to a different position as to disclaim all liability after such period. My friend Mr. Subba Aiyar says that he opposes the amendment because there is provision in the section for renewal of the bond. That is strange.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The renewal should be made in accordance with the provision in this Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is absolutely no reference to any notice in Section 11.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*):

Section 11. (1) Where there is a dispute as to the title to a Government promissory note in respect of which an application for renewal has been made, the prescribed officer may—

(*a*) where any party to the dispute has obtained a final decision from a court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or

(*b*) refuse to renew the note until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such note and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such party in accordance with the provision of section 10, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such note.

Explanation.—For the purpose of this sub-section, the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purpose of the inquiry referred to in sub-section (1), the prescribed officer may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. When such request has been made to the District Magistrate, such Magistrate may himself record or may direct any Magistrate of the First Class, subordinate to him, to record the evidence, and shall forward a copy thereof to the prescribed officer.

Explanation. For the purposes of this sub-section, 'the District Magistrate' means the District Magistrate having jurisdiction in the place where interest on the promissory note is payable.

(3) The prescribed officer or any Magistrate acting under this Section may, if he thinks fit, record evidence on oath.

It refers to section 10 and rules will be prescribed in the matter.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Government certainly take the power to enact rules. But this clause takes away the fundamental right of the subject to have notice of proceedings.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I fail to see what the fundamental right that has been taken away is. Otherwise I could have accepted the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): While the British Government does not want to be so despotic, here is Mr. Subba Aiyar who wants to be more arbitrary than the British Government, to the detriment of the rights of the subjects of His Highness the Maha Raja.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think there is any serious hardship in the section. Section 17 of the Act applies to securities payable to bearer and the Government are discharged from all liability immediately. This has not been adopted here, and clause 15 in the Bill discharges Government from liability only after six years. I think the ordinary period of limitation in all civil suits has been provided for in this case also. No question of notice arises in such cases.

The amendment was put to the vote and lost, 7 voting *for* and 18 *against*.

Clause 15 was added to the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Amendments 8 and 9 are only printer's mistakes. Therefore I have no objection to accept those amendments.

Clauses 16, 17, 18 and 19 were added to the Bill without the printer's mistakes.

Clause 20.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move the amendment to clause 20.

Add as sub-clause (3) the following: "For the purposes of this section, a statement made to any officer taking evidence in an enquiry under Section 11 shall be deemed to be made to the authority empowered to pronounce the decision in the said enquiry."

With respect to the clause in question there is a difficulty. Statements may be recorded by the immediate authority named by Government and also by the District Magistrate or any other officer empowered by him,

It may so happen that an officer who is entitled to sanction may not be the same as the officer to whom complaint is preferred. I would submit that it is better to have it distinctly stated that the authority contemplated under the section is the authority entitled to decide in the enquiry in question. It is with this object that I have brought forward the amendment.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): I second it.

[Mr. S. Paramesvara Aiyar.]

PRESIDENT: Evidently you want, Mr. Narayana Pillai, that the deciding authority should be the authority that records the evidence also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No. I would refer the Law Member to section 11.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sub-section 2 says:

"No court shall take cognizance of any offence under sub-section (1) save on the complaint of the authority to whom the false statement was made."

PRESIDENT: He wants one and the same authority for recording statements and for adjudication.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amendment is for sub-section 2.

PRESIDENT: You may make the amendment as you like.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The object of the amendment is that the person who simply records evidence should not be allowed to give sanction to prosecute.

PRESIDENT: Then why not amend the section itself?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I would put it as follows:

Sub-section 2 authority competent to decide the matter.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The expression used in section 11 is a "prescribed officer." "Prescribed officer is the *deciding* officer. So you may use the word 'officer' instead of authority.

PRESIDENT: What is meant by the word "prescribed"?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The word "prescribed" has been defined.

I beg to move that the words "of the prescribed officer" be substituted for "of the authority to whom the full statement was made."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is quite right.

The amendment was accepted.

Clause 20, as amended, was added to the Bill.

Clause 21.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With respect to the last amendment, clause 21, "in line 2 of sub-clause (3) substitute the word "if" for the word "is"" there is no such error in my copy.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The mistake occurs only in the published copy of the Bill in the *Gazette*.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is enough if the correction is noted.

Clause 21, as corrected, was added to the Bill.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I move that the Bill be finally read on a future occasion.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know the final form of the amendment to clause 10?

The clause as amended was read.

Mr. K. GEORGE (*Financial Secretary to Government*): I second Mr. Subba Aiyar's motion.

The Council adjourned at 5-55 P. M. to meet again at 11-30 A. M. the next day.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

Thursday the 17th January, 1924.

(OFFICIAL REPORT.)

The Council re-assembled in the Victoria Jubilee Town Hall at Eleven Thirty-five of the Clock with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Construction of a branch Road from Tovala Road to Aramboly Road.

110. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Are the Government aware that, owing to the want of roads for carrying implements of agriculture and other necessary accessories to their paddy lands, the people in the three blocks of Putukkudi, Azhakaramman and Auvayaramman in the Tovala channel area are put to very great inconvenience?

(*b*) Will the Government be pleased to state what steps have been taken by them on the prayer of the people of the locality that a branch road might be constructed from the Tovala road near Tazhakudi and connecting it with the Aramboly road?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Yes.

(*b*) An estimate has been called for, for the construction of the road.

Separate Census of Nanjanad Vellalas.

111. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Are not the Government aware of the fact that there is a separate community known as the Nanjanad Marumakkathaya Vellala community?

[Mr. S. Paramesvara Aiyar.]

(*b*) If so, will the Government be pleased to state why the Nanjanad Marumakkathaya Vellalas are included under the category of Vellalas in the castewar statements in the recent Census Report against the classification given in the previous Census Report as well as in the *State Manual*?

(*c*) Will the Government be pleased to make the necessary correction in the recent Census Report by instituting another census?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) The assumption that they were shown separately in the Census Report of 1911 is not correct and the classification adopted at the recent Census is the one prescribed for all India by the Imperial Census Commissioner.

(*c*) Government do not consider it necessary to order a separate census in respect of the Nanjanad Marumakkathaya Vellalas.

Preference in Service to Nanjanad Vellalas.

112. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Are the Government aware of the fact that there are only very few members of the Nanjanad Marumakkathaya Vellala community who have received higher education?

(*b*) If so, will the Government be pleased to order Heads of Departments to give preferential consideration in the matter of employment to those few who seek service, and in the matter of promotion to those who are already in service, according to their merits?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) In view of the answer to part (*a*), the question does not arise

Educational Concessions to Nanjanad Vellalas.

113. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Are the Government aware of the fact that the Nanjanad Marumakkathaya Vellala community is as backward as some of the communities that are recognised as backward in point of higher education, both in English and in the vernacular?

(*b*) Will the Government be pleased to extend the same kinds of concession, *e. g.*, half-fee concession and scholarship, as are now enjoyed by the members of the backward communities of the State, to the members of that community?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) This does not arise in view of the answer to part (*a*).

Promotions of Clerks of the Subordinate Educational Offices to the Office of the Director.

114. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to state whether the Director of Public Instruction considers the claims of the clerks of the offices subordinate to him in filling the temporary and permanent vacancies that occur in his office?

(*b*) Does the Director of Public Instruction follow any definite rule in giving promotions to the clerks in his office and in the offices subordinate to him?

(*c*) If not, will the Government be pleased to order him to fill vacancies in his office by giving promotions to experienced and qualified men from subordinate offices, as chances of promotion in the latter offices are very rare?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) The Director of Public Instruction follows the principle of appointing in each case the clerk with the best claims among those competent to discharge the duties of the appointment satisfactorily.

(*c*) This does not arise, in view of the answers to parts (*a*) and (*b*) of the question.

Depressed Classes and Registry of Lands.

115. MR. C. RAMANKUNJU (*Nominated*): Are the Government aware that the members of the depressed classes feel highly disappointed and discontented at the manner in which most of the officers of the Revenue Department deal with their applications for registry of lands?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have no information.

Organisation of a Labour Department.

116. MR. C. RAMANKUNJU (*Nominated*): (*a*) Are the Government aware of the immense benefits derived by the members of the depressed classes in the Madras Presidency by the operations of the Labour Department there?

(*b*) If they are, will they be pleased to organise such a department for the State tentatively under an officer in charge of one of the Development Departments?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government are aware that a Labour Department exists in the Madras Presidency and that one of the functions of the department is the amelioration of the condition of the depressed classes.

(*b*) Government do not see the necessity for creating a separate department for the purpose.

[Mr. S. Paramesvara Aiyar.]

Action taken on G. O. R. O. C. No. 1502 of 22/Revenue, 1923.

117. MR. C. RAMANKUNJU (*Nominated*): With reference to paragraph 3 of their order R. O. C. No. 1502 of 1922/Revenue, dated the 14th January, 1923, in which they say that "Government have no doubt that Tahsildars are chiefly to blame for this state of things," will the Government be pleased to state what action they have taken thereon and what has been the result thereof?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The remark quoted by the member refers to the failure to reconcile the departmental and treasury figures of receipts of the Land Revenue Department for 1097 M. E. In the G. O. referred to, Government had informed the Land Revenue Commissioner that they insisted on the reconciliation of these figures from the year 1098. The difference between the two sets of figures in 1097 was Rs. 4,937. It is seen from the Land Revenue Commissioner's report on the administration of the Land Revenue Department for 1098 that, as the result of steps taken for reconciliation by the Tahsildars during 1098, the difference between the departmental and treasury figures for the year is only Rs. 236 and that, if the excess collections amounting to Rs. 228, which enter into the Account Office figures but not in the departmental figures for 1098, be deducted, the actual difference dwindles down to Rs. 8. The department is striving towards effecting complete reconciliation of the departmental figures of receipts with the treasury figures.

Delay in Transhipment at Alleppey Port.

118. MR. C. RAMANKUNJU (*Nominated*): (*a*) Is not the delay in shipping and landing at Alleppey due to want of facilities for loading and unloading at the pier head and the long time taken up by boats to ply to and from vessels?

(*b*) If it is so, will the Government be pleased to say what steps they have taken to remedy those defects?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Government are informed that there have been no undue delays in landing and shipping cargo at the Alleppey pier, except when shippers and their contractors delay in loading the cargo. Delays occur in landing heavy cargo owing to hand cranes being used. Boats do not take a very long time in plying to and from vessels under normal weather conditions.

(*b*) Sanction has been accorded to fitting up two steam winches at the pier head, and these have already been obtained from England and will be placed in position as soon as the derricks ordered arrive. The winches are expected to be in working order when the port reopens in September next after the monsoon. The pier will then have two steam winches and two hand cranes for handling cargo. These are the only extra facilities considered necessary at present.

Employment of Tugs at Alleppey Port.

119. MR. C. RAMANKUNJU (*Nominated*): (*a*) Can the delay in shipping at Alleppey be overcome to some extent if the services of tugs are made available?

(*b*) Has there been any requisition from the merchants or boat-owners for keeping a tug at Alleppey? If so, what action have the Government taken on that requisition?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The use of a tug would no doubt facilitate the work of lighters in foul weather, but its employment would entail additional shipping charges to shippers who will have to pay tug-hire in addition to boat-hire.

(*b*) There have been no requisitions from the merchants or boat-owners for a tug at Alleppey. The shippers are said not to be in favour of the proposal at present.

Statistics of Students belonging to Depressed Classes.

120. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to state:

(*a*) how many pupils of the depressed classes completed primary education in 1098;

(*b*) how many of them joined secondary schools; and

(*c*) how many discontinued their studies?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*), (*b*) and (*c*) A statement *containing the information required by the member is laid on the table.

Stipends to Pupils of Depressed Classes.

121. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to institute a scheme for the grant of fifty stipends annually to fifty select pupils of the depressed classes completing primary education and desiring to continue their studies in secondary schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): This question is covered by a resolution balloted for discussion at this meeting of the Council.

Poramboke Lands in Populous Villages.

122. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): (*a*) Are the Government aware of the existence of plots of Government lands reserved as *porambokes* in the midst of densely populated villages and tending perennially to endanger the sanitation of the neighbourhood?

(*b*) Will the Government be pleased to state whether they will grant such *porambokes* to private individuals so that they may be reclaimed and rendered harmless to sanitation?

**Vide* Appendix—page 517.

[Mr. M. N. Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Government have no information.

(*b*) No general answer can be given; but if specific instances are given, they will be examined on their merits.

Communities enjoying Half-fee Concession.

123. MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): (*a*) Will the Government be pleased to place on the table a list of the communities that are now enjoying half-fee concession?

(*b*) Will the Government be pleased to extend the half-fee concession to the Muppanar community?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The member is referred to G. O. Dis. No. 609 of 23/Leg. E., dated the 16th June, 1923, published at pages 1081-1082 of part IV of the *Gazette* dated the 19th June, 1923.

(*b*) The entire question of fee concession is under reconsideration.

Perumalkulam Tank, Shencottah.

124. MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): (*a*) Will the Government be pleased to state what steps they have taken with regard to the acquisition of the Perumalkulam tank in Shencottah which is considered to be a danger to the sanitation of the town?

(*b*) Will the Government be pleased to take steps to close the tank before the end of this year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) The tank is *poramboke* and the question of transferring it to the Municipal Council is under the consideration of the Government.

(*b*) Considering the nature of the work involved and the large capital required for the purpose, Government do not think that the Municipal Council will be in a position to carry out the work before the end of this year.

Pokkuvaravu Work.

125. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether it is a fact that they have resolved to direct *pokkuvaravu* work being done speedily, even in cases requiring sub-divisions, without making any actual survey and demarcation on the ground?

(*b*) If it is so, will it not tend to create confusion in the matter of survey records and cause great uncertainty and consequent hardship to the ryots?

(c) Is this not directly opposed to the objects stated by them to be the reason for the appointment of Assistant Tahsildars and to the express provisions of the Land Records Rules?

(d) Will the Government be pleased to state the immediate necessity that compelled them to issue this order?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) Yes. Government have just ordered that the sub-division of holdings involved in *pokkuvaravu* cases be dispensed with for the present. The member's attention is invited to G. O. Dis. No. 12 of 24/Revenue, dated the 6th January, 1924, published in the *Gazette* dated the 8th January, 1924.

(b) This is not likely for the reasons stated in the preamble to the G. O. quoted above. Further, that G. O. makes provision for sub-divisions being surveyed on individual applications from parties and plotted sketches being supplied to them, at their cost.

(c) The main object of the creation of Assistant Tahsildars was the inspection and survey of *porambokes* and detection of encroachments thereon and the demarcation and survey of *poramboke* numbers and preparation of plotted sketches therefor. The work of sub-division of holdings involved in *pokkuvaravu* cases was also entrusted to them subsequently. The present Land Records Maintenance rules do contain provision for *pokkuvaravu* sub-divisions being effected after actual survey and demarcation on the ground, following the rule requiring the survey of such sub-divisions in the *pokkuvaravu* rules. In view of the change of procedure now ordered dispensing, for the present, with the actual survey and demarcation of *pokkuvaravu* sub-divisions, similar modifications will be made in both sets of rules. (*Vide* the last sentence of paragraph 1 of the G. O. quoted above.)

(d) The member is referred to the preamble to the G. O. quoted above.

Sale of a Lion Cub.

126. MR. M. N. PILLAI (*Trivandrum*): (a) Is it a fact that the tamed lion cub in the Public Gardens has been sold away? If so, at what price and to whom?

(b) Was the sale, if true, made with the permission of the Government or in consultation with or with the knowledge of the Superintendent who tamed the cub?

(c) What was the necessity for making that sale?

(d) If the sale was unauthorised, will the Government be pleased to realise damages from the officer concerned?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) Yes. To Mr. T. M. Raja Ram, Carlson's Grand Circus, Salem, for B. Rs. 350.

(b) The sale was effected with the permission of Government at the suggestion of the Director of the Museum and Public Gardens, who is the Superintendent's immediate superior.

[President.]

(c) Superfluity of lion cubs in the zoo and the cost of feeding them.

(d) The question does not arise in view of the answer to part (b).

MR. M. N. PILLAI (*Trivandrum*): Do the Government think that it is a proper price for a tamed lion?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

MR. M. N. PILLAI (*Trivandrum*): Was the permission given to sell the tamed lion?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, permission was given to sell one of the cubs.

MR. M. N. PILLAI (*Trivandrum*): Was it for the tamed cub?

PRESIDENT: It is clear from the answer. The sale of the tamed lion cub is referred to in the question and the answer also refers to it.

MR. M. N. PILLAI (*Trivandrum*): I wish to know whether the Government order is to sell the tamed lion cub.

PRESIDENT: There is the answer to part (b). Your question relates to the sale of the tamed lion cub and the answer relates to the same qestion.

MR. M. N. PILLAI (*Trivandrum*): There are two other lion cubs also.

PRESIDENT: We do not know anything about them. This question does not relate to them.

MR. M. N. PILLAI (*Trivandrum*): There are two other lion cubs in the zoo now.

PRESIDENT: That does not arise out of the question.

MR. M. N. PILLAI (*Trivandrum*): Then I do not ask the question.

Do not the Government think that the price of Rs. 350 is too low for a tamed lion and do they not think that by proper advertisement this tamed lion cub might have fetched more?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): All lion cubs are tamed.

PRESIDENT: Not necessarily.

MR. M. N. PILLAI (*Trivandrum*): Are the two cubs tamed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): They are small cubs and they must be tame. And probably they are being tamed also.

MR. M. N. PILLAI (*Trivandrum*): But is he sure that the two lion cubs are tamed?

PRESIDENT: Where is the reference to that in your question?

MR. M. N. PILLAI (*Trivandrum*): I see from the answer to part (*a*) of the question that the lion cub that was sold is a tamed one. What I want to know is why the Director did not sell the untamed lion cubs.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): All the cubs are tame. Young cubs are not so ferocious as grown-up lions.

MR. M. N. PILLAI (*Trivandrum*): Are the two cubs in the zoo let out in the gardens?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is no reference to that in the question.

MR. M. N. PILLAI (*Trivandrum*): Do the Government not think that the tamed cub is a more valuable one than an untamed one?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer has already been given.

MR. M. N. PILLAI (*Trivandrum*): But it was not done with proper advertisement. If they had advertised for its sale, it would have fetched more.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is a matter of opinion.

PRESIDENT: Yes, it is a question of opinion; you cannot put it as a question for information.

Lions in the Zoo.

127. MR. M. N. PILLAI (*Trivandrum*): (*a*) How many lions are there in the gardens?

(*b*) Will the Government be pleased to state the prices at which lions were purchased by them in the past? Were they tame lions?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) There are now no full-grown lions in the zoo.

(*b*) Information is not available.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether, when this cub was sold, there was any condition attached to its sale to the man who purchased it.

PRESIDENT: You are referring to a particular cub. Here, in the question, you have referred to more than one lion. Your question is: "How many lions are there in the gardens?"

MR. M. N. PILLAI (*Trivandrum*): What I want to know is when there is no lion in the zoo what made the Government sell that tamed cub.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer to part (*c*) of the preceding question gives the answer to this supplementary question.

MR. M. N. PILLAI (*Trivandrum*): What is the expenditure, per month, on a lion cub?

[Mr. M. N. Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is about Rs. 30 a month.

MR. M. N. PILLAI (*Trivandrum*): Then it is better that the zoo is closed.

PRESIDENT: You cannot argue; you can only put a question.

Extension of Service to Mr. Thomas Varghese, Sirkar Vakil.

128. MR. M. N. PILLAI (*Trivandrum*): (*a*) Is it a fact that the Head Sirkar Vakil has recommended a second extension of service to Mr. Thomas Varghese, Sirkar Vakil, Kottayam?

(*b*) Will they be pleased to state whether they are going to grant another extension to him?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) The extension of service already given to Mr. Thomas Varghese expires only on the 17th Medam, 1099. The consideration of the question of a further extension of his service is premature now.

Extension of Service to Mr. V. Subba Aiyar.

129. MR. M. N. PILLAI (*Trivandrum*): (*a*) How many times has the present Additional Head Sirkar Vakil been given extension of service up to this?

(*b*) Will the Government be pleased to state the special reason why such special consideration was shown to this officer when other high officers like High Court Judges were not shown any such consideration?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Three.

(*b*) Mr. Subba Aiyar is still, in the opinion of the Government, physically and mentally quite fit. His retention in the service has been sanctioned on public grounds.

MR. M. N. PILLAI (*Trivandrum*): Sir, I wish to know what the 'public grounds' referred to in the answer are.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The ground is that Mr. Subba Aiyar's presence as Law Member of this Council is essential in the early life of the Council.

MR. M. N. PILLAI (*Trivandrum*): Do the Government think that there are no capable Travancoreans?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, that is not a supplementary question.

PRESIDENT: It does not arise.

MR. M. N. PILLAI (*Trivandrum*): Has Mr. Subba Aiyar been certified physically fit?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No certificate is necessary.

MR. M. N. PILLAI (*Trivandrum*): Has he been medically examined?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I is not necessary under the G. O.

MR. M. N. PILLAI (*Trivandrum*): Does not the recent G. O. insist that there must be unquestionable public grounds? Is this not against the G. O.?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The extension is not against the G. O.

Extension of Service to Mr. V. Subba Aiyar.

130. MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Will the Government be pleased to state whether the Additional Head Sirkar Vakil, Mr. Subba Aiyar, has been given an extension of service for the third time?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to part (*a*) of question No. 129.

Remission of Import Duty on Pictures for Church Use.

131. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): (*a*) Will the Government be pleased to state whether it is a fact that the Excise Commissioner has recently given orders to the Assistant Excise Commissioner, Alleppey, and the Customs Inspector in charge of the Alleppey Customs House, that no duty need be realised on pictures and other articles imported for the use of churches?

(*b*) If so, has the Commissioner asked for and obtained the sanction of the Government for the same?

(*c*) If sanction has been given, has the necessary notification exempting such articles from customs duty been published in the *Gazette*?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) and (*c*) Under the Import Tariff Notification, (item No. 102), statuaries and pictures intended to be put up for public benefit in a public place are exempt from payment of duty, and on a reference from the Excise Commissioner whether statuaries and pictures imported for being set up in churches would be covered by this exemption, Government have decided that they would be. No separate notification is, in the circumstances, necessary.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether the pictures are intended for use in the churches or for sale?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): They are for use in churches.

[Mr. Joseph Panjikaran.]

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know what the rule is with regard to the import duty in British India?

PRESIDENT: Are you asking about the exemption from duty, Mr. Ramakrishna Pillai?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether these pictures are exempt from import duty in British India?

PRESIDENT: The tariff is the same both for British India and Travancore and the rates and immunity must be also the same.

Arms Rules.

132. MR. JOSEPH PANJIKARAN (*Shertallai*): What steps have the Government taken to carry out the resolution regarding Arms Rules moved by Mr. Kunjitomman and passed by the Council on the 6th Medam, 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The matter is still engaging the attention of Government.

MR. JOSEPH PANJIKARAN (*Shertallai*): Can the Government point out any action on their part which will go to show that the matter is still engaging the attention of the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is the reply of the Government that the matter is engaging their attention.

PRESIDENT: The statement made in the reply must be accepted.

MR. JOSEPH PANJIKARAN (*Shertallai*): What I want to know is whether any action can be pointed out by Government which will go to show that the matter is still engaging the attention of the Government.

PRESIDENT: The stage probably has not arisen when an announcement could be made about it. When Government say that the matter is engaging their attention, it must be accepted.

MR. JOSEPH PANJIKARAN (*Shertallai*): What I want to know is whether the Government can point out anything which would go to show that the matter is being attended to.

PRESIDENT: The Government cannot yet make a definite announcement.

MR. JOSEPH PANJIKARAN (*Shertallai*): If it is not relevant, I do not ask it.

PRESIDENT: It is not irrelevant; but it is opposed to public policy to admit such a question.

MR. JOSEPH PANJIKARAN (*Shertallai*): Under the rules, does it not arise?

PRESIDENT: Under the rules, anything opposed to public policy can be disallowed.

MR. JOSEPH PANJIKARAN (*Shertallai*): What I want to know is whether there is any action taken by the Government which would go to show that the matter is still engaging their attention.

PRESIDENT: When the matter has not reached a stage when it is proper to make an announcement, or when Government do not consider it proper to make an announcement, any question in regard to the details of action taken is opposed to public policy.

MR. JOSEPH PANJIKARAN (*Shertallai*): I do not want any description of the action taken. I only want to know whether any action has been taken.

PRESIDENT: It is implied in the answer. Otherwise, Government would not have given the answer they have given.

Arms Rules.

133. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to state what orders have been passed by them finally on the question of amending the Arms Rules?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to question No. 132.

A Division Assistant and First Class Magistrate for Shertallai.

134. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Do the Government know that the inhabitants of the Shertallai taluk experience very great inconvenience for want of a Division Assistant at Shertallai?

(*b*) Do the Government know that, under the present arrangement, for all criminal cases triable only by a First Class Magistrate and for all criminal appeals, the people of Shertallai have to go to Kottayam crossing the Vembanad lake?

(*c*) Will the Government be pleased to take some early step for remedying these inconveniences and hardships?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government are not aware.

(*b*) Yes.

(*c*) The matter will be examined.

Change of Arayalam Kist Months.

135. MR. N. PADMANABHA PILLAI (*Karunagapalli*): (*a*) Will the Government be pleased to state whether they have received the replies of the several Dewan Peishkars on the question of changing the *kist* months?

(*b*) Will they be pleased to dispose of the matter at an early date?

[President.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

Students' Strike.

136. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether the papers relating to the students' strike have been printed, and if they are not ready, will they be pleased to state the reason for the delay of over eighteen months in the publication of those papers?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): These papers have been printed and laid on the table.

MR. M. N. PILLAI (*Trivandrum*): Sir,—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to ask a supplementary question to question No. 122.

PRESIDENT: You should have asked it when the Secretary called your name.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I was reading through the question, and by the time I read through the answer, the Secretary passed off to another question. I had no time to put the question.

PRESIDENT: The rule is that the printed copies of the questions and answers shall be placed on the table 15 minutes before the Council assembles and that members should read the answers and decide what supplementary questions they wish to ask. Immediately after the questions are called out, members are expected to put supplementary questions. If no supplementary questions are put, the Secretary passes on to the next question. The understanding is that thereafter the time for putting supplementary questions is past. That is the understanding and I am afraid I cannot go against it.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether the District Magistrate did not send up a report on the 25th or the 26th about the occurrences of the the day.

PRESIDENT: That does not arise out of the question. If you want to put any such question you will have to ask it separately.

MR. M. N. PILLAI (*Trivandrum*): It is said that the papers have been placed on the table.

PRESIDENT: Yes; they have been placed on the table. And if you find any omissions, you will have to put a question at a future meeting of the Council.

Appendix.

Vide Answer to Question No. 120

Statement *re* pupils belonging to depressed classes.

Pupils of the depressed classes	Boys' schools.	Girls' schools.
	No.	No.
Those who completed primary education in 1098 .	492	21
Those who joined English schools ...	106	Information not available.
Those who discontinued study ...	79	Do.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Proportional Representation of Communities in Making Appointments.

The following Resolution was considered to have been withdrawn under the Travancore Legislative Council Rules, Rule No. 40 (2), as the member when called upon was absent:

MR. TARIATU KUNJITOMMAN:

"This Council recommends to the Government that, when more applicants than one having the same qualifications come up with respect to the same post in any department of the State, except the Devaswom Department, preference be given to that applicant whose community is the least represented in the department in proportion to its numerical strength."

Permanent Settlement.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I beg to move that—

"This Council recommends to the Government that a permanent settlement of lands be effected at the next settlement."

I have undertaken to move this resolution in the Council to advance the cause of the agricultural population of this country. According to the Royal Proclamation of 1061, the date of resettlement, which is to be done after every thirty years, is fast approaching. If we carefully read the history of settlements in Travancore, we will be able to understand that the system which we have followed is most inequitable and oppressive. Though His Highness the Maha Raja laid it down as a principle that the Government are permanently interested in the well-being and contentment of the agricultural population, in preference to the enhancement of public income when it is not absolutely

[Mr. M. R. Madhava Variar.]

called for, the officers of the Government have used the settlement as an engine of oppression.

The first settlement in Travancore was in 914 M. E., when the kingdom of Travancore did not embrace all the area now forming part of it. The preliminary work was begun in 911, and the settlement lasted till 922 M. E. A settlement of all garden and wet lands was made and a list of holders, consolidated abstract and *ayacut* showing aggregate revenue and increase due to settlement, were prepared. The method of assessment for wet lands was to determine *pattam* for single crops and calculate the same amount for each crop, unlike the present rule which allows only an increase of 50 per cent. on account of the second crop. A document called *kuri* corresponding to the *pathivu* or *patta* of later settlements was also granted to the ryots. In case of failure of crops, a remission was allowed generally to the extent of ¼ of the *pattam* fixed. The second settlement was in 926 M. E., which was the first settlement after the modern kingdom of Travancore was founded. It lasted from 926 to 929. Under this settlement, the old tenures were recognised, a distinct procedure for assessment of the wet and dry lands was formulated, a special system of measurement for wet lands in South Travancore was introduced, the standard *pattam* for assessment was determined first and then the *iruppukaram* was fixed after making deductions on account of tenures, wet and dry lands were classified as per *tharam*, for dry lands planted with trees of the taxable kinds, a combination of ground tax and tree tax was adopted, and only bearing trees were taxed. In 948, there was a nominal revision of the previous settlement which is called *kēttezhuthu* (കെട്ടെഴുത്ത്). The fourth settlement was in 978. The asssessment of 978 was fixed not by actual measurement but by mere inspection aided by local information. The seed capacity of each field was taken for assessment, and the assessment was partly in money and partly in kind. Tree tax was levied from gardens. Certain tenures were excluded from taxation and certain tenures were favourably assessed. In 993, there was a garden settlement. There were 5,07,075 gardens at that time. The assessment was fixed with regard to the quality of trees and with regard to their productiveness. The revision of assessment in 993 was confined to such holdings as were in a condition to pay enhanced taxes and the original rates were retained in all other cases. Another garden settlement was begun in 1012. The chief feature of that settlement was the taking of fixed measurements and the adoption of different rates for different classes of cocoanut trees in North Travancore.

We all know that the last settlement lasted from 1061 to 1085. The older people amongst us still contemplate with horror the doings of settlement officers. The settlements of 978 and 1012 formed the basis of the recent settlement. In an address delivered by Mr. Rama Aiyangar to the leading landholders in 1058, he demonstrated the necessity of a revenue survey and settlement of Travancore and said:

"We have at present no correct record of the extent of lands, no classification of soils, no systematic assessment, no register of titles, not even a complete rent roll or list of landholders. Such accounts as do exist are incomplete and necessarily unreliable, being records not of any regular survey made by trained or trustworthy agency but at best only of rough measurement made in a defective manner by men ignorant of any correct methods of measuring and under no proper control."

The objects aimed at by the last settlement scheme were (1) the preparation of field and village maps; (2) the revision of the territorial units and re-arrangement of taluks; (3) the systematisation of the varying proportions in which the Government demand used to be collected in kind and in money; (4) the equalisation of assessment according to the productive capacity of the lands and other considerations of a cognate character and the removal of the gross inequalities which disfigured the pre-settlement system; (5) the simplification of land tenures; (6) the collection and recording of accurate statistics relating to the amount of agricultural stock in the country and to the condition and resources of the State; (7) the investigation into rent-free holdings; and (8) the investigation into the *viruthi* system.

The results of the last settlement are sadly disappointing. The field and village maps prepared do not indicate the sub-divisions made in the course of settlement and thereafter. Nothing was done in the direction of re-arrangement of taluks. The classification of soils, the determination of the relative fertility and the actual yield of the different kinds directed in such unmistakable terms were not carried out at all. The point of view which the assessing officers were asked to keep before them was that in no case was the resulting revenue demand payable to the Government on any individual property to exceed or fall short of the previous tax by 10 per cent. The blocking of gardens has not been made after actual examination and determination of soils. Gardens similarly conditioned in all respects have been differently blocked and, in a few cases, even the trees standing in the same garden have been placed in more than one assessment class. Very little simplification has been achieved in the system of land tenures. To be brief, all the gross inequalities and anamolies which disfigured the old system have been silently handed down under the guise of an equitable system of settlement.

These defects which were handed down to us by the negligence of former administrators will have to be cured at the next settlement. The principles and procedure to be followed in the next settlement will have to be embodied in a legislative enactment. My suggestion is that a committee may be appointed to study the various systems of settlement in vogue and to formulate the principles and procedure to be followed. Before the next settlement, a careful resurvey may be necessary. The revision of the boundaries of *pakuthies* also demands the closest scrutiny of the Government. With the abolition of payment in kind it has become necessary to fix a uniform rate for all the taluks and for the entire portion of the paddy assessment. A serious attempt will have to be made to equalise the assessment after careful classification of soils by experiments. The Government themselves have recognised with sorrow that one of the main objects contemplated by

[Mr. M. R. Madhava Variar.]

Mr. Rama Aiyangar, *viz.*, the equalisation of the assessment with reference to the quality of the soil, has been almost wholly lost sight of by the policy, unfortunately adopted by the department, of a far too rigid adherence to the old assessment in the case of the wet lands. Devaswom and Brahmaswom *jenmom* lands contribute very little towards the expenses of a progressive administration in the benefits of which they share equally with the tax-paying ryots. In Cochin, Devaswom and Brahmaswom lands are treated on the same footing as other lands. These and other grounds urge the necessity for an equitable resettlement in the immediate future.

The object of my resolution is to urge upon the attention of this House the necessity of introducing permanent settlement for the happiness and contentment of the agricultural population of this country. We all know that agriculture is the mainstay of Travancoreans. Lord Curzon, once the Viceroy of India, in his pompous resolution on the land revenue policy of India, has clearly admitted that—

'The well-being of the agricultural community in India, constituting as it does so overwhelming a proportion of the entire population of the Indian continent, and contributing so large a quota to the Indian revenues, cannot fail to be, to the Government, a matter of the most intimate concern; nor can it be denied that upon the incidence of the land revenue collections must the prosperity of those classes in a great measure depend. The question may be recognised, therefore, as one of the highest national importance transcending the sphere of party or sectional controversy and demanding at once the most exhaustive scrutiny and the most liberal treatment."

His Highness the Maha Raja also issued the Settlement Proclamation in 1886, following the principles contained in the Despatch of 1885 of the Indian Secretary of State, to improve the happiness and prosperity of the people and to obviate the evils of petty exactions and oppressions consequent on a periodic revision of settlement. But the condition of the agricultural population of this country is daily growing worse. It is stated in the recent Census Report of Travancore that—

"The rice produced in the country is found sufficient to feed only 40 per cent. of the people; but if the area now under cultivation of paddy be properly cultivated, the rice output may be made sufficient to feed the whole population. In Travancore the number of persons engaged in the cultivation has decreased while the population and the extent of area under paddy cultivation have increased."

The admitted fall in agriculture is due to the fact that people are leaving agriculture to follow more remunerative occupations. The persons supported by agriculture in 1911 in Travancore were 55·5 per cent. of the whole population, while in British India they formed 72·4 per cent., in Cochin 50·4 per cent., in Madras 70 per cent., and in Malabar 60·7 per cent. The number of persons supported by agriculture has diminished by 2 per cent. in Travancore in 1921. Now, people have to depend for their food stuffs on foreign countries. They are actually suffering from famines. Owing to the fickleness of seasons, crops are damaged. Even then, there is no end to the imposition of taxes. Besides the inequitable land-tax, the people of the country are already overburdened with water-cess, forest revenue, and salt and export duties on staple products. Professor Mahaffy's description of the Indian

ryot as 'a slave to earn tax for his rulers' is very true of the Travancore ryot. John Bright once remarked in the House of Commons about land revenue in Madras thus :

"You will find in many parts of India, especially in the presidency of Madras, that the population consists entirely of the class of cultivators and that the Government stand over them with a screw perpetually turned leaving the handful of rice per day to the ryot and pouring all the rest of the produce of the soil into the exchequer of the East India Company."

This description also entirely fits in with the condition of the people here.

If the Government are interested in the happiness and contentment of the agricultural population, if they care for the increased security of fixed property instead of the just rights of the State, if they intend to free the population from the interference of the fiscal officers of the Government, a permanent settlement of lands must be effected. It is admitted on all hands that the permanent settlement in Bengal has benefited all trades and professions by leaving more money in the country, promoted the well-being of tenure-holders, moderated the rent paid by actual cultivators and prevented the worst effects of famine. In 1862, Sir Charles Wood, the then Secretary of State for India, in a memorable letter, approved of the proposal of a permanent settlement of the land revenue for India. The reasons which he advanced in favour of such permanent settlement were (1) that it would stimulate and confirm the people's sentiments of attachment and loyalty to the Government; (2) that it would favour the growth of a middle class connected with the lands without dispossessing the peasant proprietors and occupiers; (3) that by limiting the public demands on their lands the thrifty and enterprising people would be inspired to exercise these qualities; (4) that it would be conducive to the contentment of the agricultural classes on which depends the security of the Government; and (5) that it would provide a ready and popular mode of investment for the increasing wealth of the country in lands.

We know that a permanent settlement will remove the uneasiness arising from uncertainty, the harassment of the agricultural classes, and the discontent engendered by mistaken assessments, the check to expenditure on agricultural improvements and the heavy cost and delay involved in the operations. Mr. R. C. Dutt says:—

"Certainty and definiteness in the rental make the Bengal ryot confident in his own rights and prompt him to save. Uncertainty and indefiniteness in the State demands at each revised settlement demoralise the Madras and Bombay ryot and take away from him the motive to save."

For the last settlement we took 24 years and spent 50 lakhs of rupees. If a proper and equitable settlement is to be made unlike the last one, we will have to take a larger number of years and spend a larger sum. In Madras the Retrenchment Committee was asked whether it could reduce the expenditure on resettlement and survey. The unanimous opinion of the committee was that no substantial reduction could be made in the expenditure for settlement. Dewan Bahadur S. Srinivasaraghava Aiyangar, in his famous memorandum on "The progress of

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the Madras Presidency for forty years" has advocated the principle of permanent settlement. He says:

"The theory of unearned increment in the value of lands and of the advantage of making it available for meeting public expenditure with a view to avoid the imposition of taxation properly so called can have but a limited application in this country. The true rent of the land, that is, the rent due to the inherent qualities of soil and advantages of situation as contra-distinguished from the value imparted to it by the application of capital or labour, is extremely difficult to discover and is subject to constant fluctuations. There is no certain measure of the fertility of the lands, as the rent of the same land varies according to the crops grown and the systems of cultivation practised. There is further great difficulty in deciding what is normal cultivation, normal harvests and normal prices. As Professor Marshall pointed out, good and bad seasons come so much in cycles that many years are required to afford a trustworthy average of harvests and prices and in those many years the industrial environment, *e. g.*, the local demands for the produce and the facilities for selling it in distant markets and for competitors from a distance to compete in local markets may have all changed. Secondly, the possibility of determining the economic rent presupposes the existence of alternative occupations and the possibility of movement of farming capital and labour to them to admit of the ascertainment of the normal farming profits and normal wages. These conditions are almost entirely absent in this country. Thirdly, the question as to whether the funds required for public purposes are taken out of rent or raised by taxation is of far less importance here than in England. In England, the bulk of the land is owned by a comparatively small number of persons who have benefited by the enormous rise in rent at the expense of the general community. In this country, on the contrary, property in land is diffused throughout the population almost to an inconvenient extent; so much so that landed properties consist mostly of five-acre farms and there are nearly as many properties as there are families. Fourthly, the limitation of the land tax will allow large scope for the development of taxation for local and provincial purposes on lines determined with reference to the wants and requirements of the several provinces or districts."

These remarks of the distinguished author will apply equally well to the conditions of this country. With regard to unearned increment, Professor Nicholson says that 'a land tax imposed by Government may take the form of a monopoly rent and as such enter into cost price.' To those who advocate the theory of unearned increment in the land-values of the State according to the fashion in England, I ask the question; "Do you want money or a contented population?" If the interests of the people and the Government are one, if the Government are only an agent of the people, how can Government claim a share in the increase of values and prices brought about by works of Government performed with the money of the people? The difference between the rise in value due to natural causes, the efforts of the cultivator and the action of the Government is very subtle.

Sir, I am advocating a permanent settlement for the prosperity of the people. When I speak of permanent settlement, do not think that I am advocating the imitation of the Bengal system. There is much difference between the permanent settlement of zemindari tenures and ryotwari tenures. The Madras Council has passed a resolution for the speedy introduction of permanent settlement. Even in the last Council, a question was asked whether it was approved of by the

Government of India. The Government of India are even now considering the question of permanent settlement in Madras. Able and far-sighted British statesmen like Lord Canning, Lord Lawrence, Sir Charles Wood and Sir Stafford Northcote desired to permanently settle the land revenue in order to give some assurance and motive for improvement to the people at some cost to the State. Sir Thomas Munro, when giving evidence about the ryotwari system to the Parliamentary Committee, said:

> "This assessment is permanent; every ryot who is likewise a cultivating proprietor of the land which he holds is permitted to hold that land at a fixed assessment as long as he pleases; he holds it for ever without any additional assessment."

He was questioned by the committee whether there was any difference between the ryotwari system and the Bengal permanent settlement. His answer was:—

> "With respect to permanency, there is no difference between the two systems but the ryotwari leaves the Government an increasing revenue from the waste in proportion to its cultivation."

Lord Minto recorded his opinion in 1820 as follows:—

> "To ameliorate generally the conditions of the natives, it is our firm conviction that no arrangement or measure will tend so speedily and effectively to the accomplishment of those important objects as the establishment of a permanent settlement."

The Lieutenant Governor of the North-West Provinces, who strongly advocated permanent settlement, was of opinion that the prospective loss which Government would incur by relinquishing its share of the profits arising from extended cultivation and improved productiveness would be partly, if not wholly, compensated by the indirect returns which would be derived from the increased wealth and prosperity of the country at large. In 1871, the idea of permanent settlement was definitely abandoned by the Secretary of State. The opinions of three generations of statesmen and builders of the empire were cast to the winds. Mr. R. C. Dutt says:

> "Since then, the Indian Government have tried to persuade themselves and to persuade others that the permanent settlement is a useless and hurtful institution. English landed proprietors, who themselves enjoy and appreciate the benefits of a permanent settlement in England under Pitt's Act of 1798 learn to repeat when they arrive in India that what is good for themselves is not good for the people of India. Young men fresh from schools, when they come out as administrators to India, learn to sneer at the opinions of Cornwallis and Sir Thomas Munro; of Wellesley and of Lord Hastings; of Canning and Lawrence; of Lord Halifax and Sir Stafford Northcote, as the school of thought of an earlier period which is now out of date and out of fashion. And the people of India are asked to believe with all the eloquence of official persuasion that the grapes which are now placed beyond their reach are sour and they will thrive best under a continuous increase of the State demand from the soil."

I am advocating the introduction of permanent settlement so ably espoused by distinguished administrators who judged its merits from the highest standpoint, namely, that of the happiness and contentment of the people of the country.

Now-a-days, economists have begun to think that land revenue is not the main prop of the administration. Mr. K. V. Rangaswami Aiyangar, in his address to the third annual session of the Indian Economic Conference, has remarked:

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"Land tax has shown the least elasticity of any of the sources of Indian revenue; Relatively to other sources it has diminished in importance."

When a discussion took place at the East India Association on a paper read by Sir Patrick J. Fagan on "The future of the Indian land revenue," Mr. Wood suggested that Sir Patrick had dealt with the subject in too narrow a spirit, for he seemed to regard taxation as a blessing in itself and to take the view that a country's progress could only be measured in accordance with the extent of its taxation and added that a Government to carry on its affairs must impose taxes, but it did not follow that it must have land taxes. In 1040 the land revenue in Travancore was only 39 per cent. of its total revenue. In 1097 the land revenue is only 19 per cent. of the total revenue. The increase of land revenue in Travancore is 137 per cent. from 1040 to 1097, while the customs revenue has increased by 575 per cent. from 1040 to 1097.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know what the figures to which Mr. Madhava Variar is referring are?

PRESIDENT: He says that the land revenue in 1097 is 19 per cent. of the total revenue as against 39 per cent. in 1040.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does he know what it is in Madras?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I do not know particularly about Madras. I have not collected the figures for Madras. I know what it is for the whole of India. I shall give him the figures for India.

We have begun to tax the incomes and to impose local cesses. Forgetting all academic theories of foreign economists and new-fangled notions of land tax propounded by such bookish people, we ought to advocate the introduction of permanent settlement solely in view of the welfare and contentment of the vast agricultural population of this country. I have endeavoured to place before the House the necessity of an equitable and proper settlement, and the immediate requirement of a legislative enactment to fix the principle and procedure of the next settlement and to settle the lands permanently. I request this House to consider this Resolution with all seriousness visualising the exact condition of the dumb agricultural population of this country.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I support the resolution before the House that the future settlement should be a permanent settlement of the land tax. I lay particular emphasis on the fact that the proposal is only to make the *future* settlement permanent. The last settlement was not undertaken with the object of making it permanent, and it would indeed be difficult to support a proposition to accept the last settlement as final. The settlement that has taken place is as imperfect as any settlement could be. The existing survey measurements themselves are defective, inaccurate, incomplete and partial, and the revenue accounts based thereon are

imperfect. The last settlement has contributed more to the volume of litigation in this State than anything else. A settlement which deserves to be made permanent requires more laborious and extended investigation and should be carried out with the greatest care and thoroughness and on a different basis altogether. The problem presented for discussion is one of the most difficult as well as one of the most important problems connected with the administration of the country. It is so intimately connected with the material well-being of an agricultural population like that of this State, that in the words of the Government of India, "it transcends the sphere of party or sectional controversy and demands at once the most exhaustive scrutiny and the most liberal treatment."

Nor is the question a novel one. The problem has uninterruptedly engaged the most careful and anxious attention of the great British Indian administrators from the very commencement of British sovereignty in India. The object of those responsible for the introduction of the early land settlements in India was undoubtedly to effect a permanent settlement of revenue. The modern history of the land revenue policy in British India may be said to commence from the time when Col. Baird Smith submitted to the Government of Lord Canning his report urging the adoption of a policy of permanent settlement all over India. This led to the proposal made with the concurrence of the provincial governments by Lord Canning in 1860. The recommendation was accepted by the then Secretary of State in 1862, but was subsequently abandoned by another Secretary of State in 1883. Two distinct principles were adopted by two different schools of administrators, one urging a permanent settlement of land revenue and the other demanding a continuous increase of land tax for the State. Between the two schools, Lord Ripon tried to adopt a middle course by proposing to limit the demand for a continuous increase of land revenue to the definite and equitable ground of an increase in prices. This proposal too was vetoed by the Secretary of State in 1885. The evils of the land revenue policy continued to be the subject of agitation; and in 1900 memorials were sent up by several eminent and influential gentlemen praying for the smaller favour of a limitation at least of the demand from the land. The Government of India dealt with this and the question of permanent settlement in their resolution dated the 16th January, 1902, and finally refused to change the policy laid down in 1883 and 1885. In spite of all these declarations of the Government of India, the question has not reached any finality at all, and is still engaging the anxious consideration of some of the Indian legislatures at the present day.

Of the three kinds of settlement adopted in British India, the zemindari, the mahalwari and the ryotwari, we are only concerned with the last, which is the system adopted here and in Madras and Bombay. The distinctive feature of these settlements, as Baden-Powell remarks, is that in the ryotwari system the Government would never deal with a middleman, while in the other two systems it would

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never deal with any one else. The policy of the permanent settlement with the zemindars in Bengal, adopted as an administrative and political measure and in view of the difficulties attending a detailed investigation, has given rise to a good deal of controversy; and the mistake of this policy has been held up as an argument against permanent settlement in general. But the systems of settlement are so entirely different that it may not only serve any useful purpose but may even be misleading to compare the merits and the demerits of a permanent settlement as applied to ryotwari and zemindari lands. It is, however, necessary to bear in mind that the benefits of a settled land tax are likely to be reaped by the cultivator himself under the ryotwari system of settlement as it is directly with him that the settlement is made. This is peculiarly the case in Travancore as the cultivators are mostly small proprietors and the settlement is made with the proprietor himself who is in the vast majority of cases also the cultivator of the soil, and the person entitled to take the profits made by his own exertions.

The history of the ryotwari land settlements in India shows that it was mainly owing to the great difficulties attendent on a proper survey and settlement that permanent settlement was not effected as in the case of zemindari lands. It was the very labour involved in a thorough settlement that retarded the adoption of a permanent settlement in regard to this system as it was exactly the very easiness of the measure that led to the declaration of a permanent settlement in the case of zemindari lands. In order to effect a permanent settlement, lands had to be carefully surveyed, the assessment had to be made on sound and definite principles and a very careful investigation had to be made. It is generally the careless and imperfect way in which settlements are conducted that necessitates further settlements. That the object of the founders of this system was to make the settlement permanent is beyond dispute. Though fixity of the rental was not declared by any Act or Proclamation, it was accepted as a fact by the Madras Government many years after Sir Thomas Munro had declared that permanency was the principle underlying the ryotwari system. "There can be no question", said the Madras Government to the Government of India in 1862, "that one fundamental principle of the Ryotwari system is that the Government demand on the land is fixed for ever." When the proposal was made by Lord Canning in 1860, the only Government that objected to the proposal for a permanent settlement was the Government of the Punjab and their objection was raised on the ground of the incomplete development of the country. After the Secretary of State's decision in 1862, Lord Lawrence had decided to settle permanently fairly cultivated and fully developed lands; and in 1867 this decision was re-affirmed, and it was laid down as a rule that a certain percentage of cultivation in the district was necessary as a condition precedent to the introduction of a permanent settlement. The objection on the ground of a prospective loss of revenue assumed prominence only in

later years. It is noteworthy that the early Indian administrators who worked among the people and who knew more about their conditions were in favour of a permanent settlement and were prepared to get over the difficulty attending the preparation for such a settlement.

Can it be said of such an enlightened and small State like Travancore that the country is undeveloped and not yet fit for the introduction of a permanent settlement? Certainly not. It would indeed have lightened much labour in the direction of a permanent settlement if the settlement had been preceded by an economic survey and investigation of the country and if scholars and public-spirited men had imitated the example of Harold Mann, Jack, and others who have been labouring with such conspicuous success in some of the British Indian districts.

But the main objection raised against permanent settlement is that it is wrong to deprive the State of the right to participate in the increased rental of land, as it is entitled to share in the unearned increment from its profits, and that the increasing expenditure of the State requires this resource to be kept up. Leaving aside the abstract question of the State's legal and customary right to impose and enhance taxes on land, the objection has to be viewed with reference to the economic and practical aspect of the question, accepting as our basis the proposition that the desire to widen the sources of agricultural wealth and to promote the agricultural prosperity of the people is the one important consideration of the State. So far as Travancore is concerned, that this has been the object kept in view is abundantly clear from the Royal Proclamation of 1061. A reference to sections 4 and 31 will make it clear that the advancement of the prosperity and happiness of His Highness' subjects was the paramount consideration that weighed with our Gracious Sovereign. Dewan Rama Aiyangar wrote in 1885:

> "And for a small native dependent State like Travancore, the wisest policy to pursue is to seek to improve its administration and to advance the interests of its subjects, not by leaps and bounds, but by steady and sure steps, by husbanding and improving the existing sources of revenue, by spending the revenues obtained from the country within it and for the benefit of the tax-payers, and by scrupulously abstaining from increasing the burdens of the people except when absolutely and unavoidably necessary. Any margin of profits left to the people by such moderation on the part of the State will go to increase their capacity for bearing increased indirect taxation and will, to use the words of Lord Sydenham, 'fructify in their pockets'."

The objectors maintain that the *unearned* increment of profits resulting from the general development of the country should be taxed. This certainly implies that the State is *not* justified in asking for a share of the increment resulting from the expenditure of labour and capital by the tenant. The increase of production in the majority of cases is *almost wholly* due to the expenditure of labour and capital by the tenant. It has to be remembered that there is no middleman between the actual cultivator and the Government in this scheme of settlement, and any profit left untaxed goes to benefit the agricultural population and not a limited class of landholders. It cannot be denied that uncertain and frequent enhancements of land revenue are fatal to successful agriculture. In putting a permanent limit on this demand from the soil, the State only induces the development of the land

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by enabling more capital to be spent upon it and thus indirectly benefits the land and enhances the taxable capacity of the people. Land tax is the oldest of taxes and in olden days perhaps the only tax available to the State. The progress of civilisation has devised new methods of taxation and expenditure, and at the present day land tax is showing itself to be so very inelastic that eminent economists seriously entertain the belief that this tax may be done away with altogether and other and more suitable forms of taxation substituted. In fact, in England land tax was permanently fixed towards the close of the 18th century and reduced to a rent charge liable to be redeemed. As a source of income, land tax is highly inelastic and unsatisfactory and its importance in relation to other sources of revenue has considerably declined in recent years. It required twenty-eight years and more than forty-two lakhs of rupees to complete one of the most unsatisfactory settlements in this country; and yet what has been the State's gain in proportion to this huge expenditure?

In this State more than 70 per cent. of the population are agriculturists and the numerous other taxes which have come into existence have necessarily to come out of the pockets of these very same people. Those who urge that the State has a right to share in the increment of the produce of the land conveniently forget that almost all the other taxes which the Government now collect have also to come out of the very same class of people who pay the land tax. There would, perhaps, have been some justification for an enhancement of the tax on land if the landholders as a class are more lightly taxed in comparison with other classes of people who were more severely taxed and land had benefited by the improvement from these sources of revenue. If there has been a general development of the country, it is the agricultural population alone that has contributed to this development and there is no justification at all for taxing the profits, if any, resulting from this development. The agricultural population are yet to bear further burdens of taxation with the extension of local self-government throughout the country. The peculiarity of this tax, in taxing the very object 'land' itself, whoever be the possessor of it, has also to be taken into account. The State fails to achieve one of the very highest of its duties, *viz.*, development of its own resources by imposing frequent burdens on the land. And after all, why should the principle of revision be applied to land alone? If the principle of participation in increased profits be applied to land, it has equally to be applied to the case of all other incomes without limitation. It is not fair to tax the unearned increment from land alone. Perhaps it may be justifiable to enhance the tax on land which has benefited by irrigation and other works done by the State at the expense of the general revenues. But in such cases a special cess like the Kodayar irrigation cess will amply meet the ends of justice. In fact, such taxes are already in existence. Even the income tax falls indirectly on the agricultural population who are mostly indebted to money-lenders. The value of

the land by itself is ordinarily very little; it is the labour and capital expended on it that makes it valuable and taxable. An indiscriminate tax on the earned as well as the unearned increment of profits which is the only result of attempting to tax the unearned increment is highly injurious to agriculture. For a State like Travancore, expenditure ought mostly to be for reproductive works and the increasing demands of the State ought to be met by increasing reduction of expenditure in other directions.

The principle of assessment adopted at the last settlement has been one of the causes of its incompleteness. Dewan Rama Aiyangar wrote in his memorandum on the settlement:

"It is acknowledged on all hands that the right thing to do is to assess the soil instead of the produce and have the holder to make what use he likes of the land. This is the principle on which all recent settlements have been made in British India and unrestricted freedom which such a settlement affords to the owner of land is found conducive to the growth of industry and the free accumulation and distribution of capital. The practice in a primitive state of society is for the landlord to exact and the tenant to pay a share of the crop raised as rent. Accordingly the earlier native settlements in many districts of the Madras Presidency were based, as in Travancore, on the principle of taxing the crop instead of the land. But this was found in practice so objectionable and so repressive of cultivation that the faulty system was abandoned in the Madras Presidency even before the introduction of a regular survey and settlement. I see strong reasons for preferring the same course here. It would entirely do away with the necessity for the periodical revisions of assessment which the present system of taxing the tree entails."

It seems to me, therefore, that it is not right that the cultivators should be subjected to the uncertainty and harassment of recurring settlements and that, in the interests of the State, it is desirable to fix the land tax permanently and for ever.

But an attempt though made at first was given up. I have hardly time to refer to the serious drawbacks of the methods followed in the last settlement, and I refer to this observation of Dewan Rama Aiyangar only to show how, in the opinion of that eminent statesman, permanency of the settlement was a desirable object to be achieved.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): In opposing this resolution, my only reason is that it is premature at this stage. I believe there will be no two opinions on the momentous nature of the subject-matter of this resolution. The question of the settlement of land revenue is one of extreme importance both to the ryot and to the Government. The question as to whether assessment on lands should be subject to periodical revision and, if so, at what intervals, or whether it should be fixed permanently, is an age-long question and has been discussed over and over again in other places, but has not yet found out a final solution. It is a question which is very difficult of solution. It is well-known that, even under the system of periodical revision, land revenue is one of the least elastic sources of public revenue. The question is whether, by fixing land revenue permanently, it should be made altogether inelastic and, if so, whether the advantages to the State would preponderate over the disadvantages.

[Mr. S. C. H. Robinson.]

I do not propose to discuss the merits of the question on this occasion for this reason, *viz.*, that, in my opinion, the time for its consideration, so far as this State is concerned, has not yet arisen.

The House is, I trust, aware of the fact that the existing settlement, which is the first scientific settlement attempted in Travancore, is very imperfect and that the principles on which it is based, and the incidence of taxation resulting from it, are in need of considerable improvement. Mr. Madhava Variar has referred to these. I need only refer to the combination of the land and the tree tax for purposes of assessment to show how lands of the same sort and fertility pay vastly differing rates of assessment. Even in regard to classification of soils, there are obvious defects.

These and other defects of the existing settlement will have to be thoroughly examined, and a careful enquiry into the economic conditions made before a definite policy for the next settlement can be laid down. But before we launch upon this enquiry, there are other preliminary things to be done, such as the rectification of inaccuracies in survey and the bringing up of arrears in registries. It is also well-known that the existing survey is far from accurate and up-to-date, and the House knows that just now a special staff is working to remedy these defects. The removal of these defects will take time; and it is not the idea of the Government that they should take up the question of re-settlement before the defects connected with the survey are in a fair way of rectification. It will be time enough when the settlement enquiry is started to consider the question of a permanent settlement together with other suggestions that may be brought forward by way of improving the method of land assessment. The world is moving fast, as the House knows, and the very principle of land assessment as such is being attacked in some countries; and there are some other countries where the State derives no income whatever from land tax. The question as to whether the assessment on land could be replaced by something better will also have to be very carefully considered. I would, for instance, draw the attention of the House to a suggestion which seems to me to carry much weight with it, *viz.*, that land tax, as such, should be abolished and that income from land should be included in the assets on the basis of which income tax is levied.

I would, however, sound a note of warning at this juncture. We should be careful in drawing analogies between Travancore and British India. My friends on the other side of the House keep saying repeatedly that we should not blindly follow British India, and this is a pre-eminent case where that should be remembered. Conditions here are very different from those prevailing in British India and the mere fact that some agitation is going on in British India for the introduction of permanent settlement should not induce us to adopt it in this country without being convinced of its advantages. We should be well-advised to wait and see if possible the result of this experiment in

British India; and if the experiment proves a success there, a good case will have been made out for considering whether it should not be introduced in Travancore, assuming that other things are equal.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know from Mr. Robinson when the Government propose to take up the question of the next settlement ?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I shall come to that later on. As I have already said, even in British India the discussion relating to the system of land tax has been age-long and opinions in regard to the desirability of a permanent settlement are very divergent. We must also understand that land revenue has, from the dawn of the history of this country, been a staple source of revenue to the State and we should not lightly do anything which would tend to make it wholly inelastic, in view especially of the fact that our other main sources of revenue are by nature fluctuating and some of them like excise revenue are likely to decrease or even to disappear altogether.

It is not, I think, fair to ask the Government to commit themselves in advance in regard to the ultimate decision to be arrived at in this matter.

Mr. Madhava Variar says that he moves this resolution as he wants to secure a fair and equitable settlement. Government have no quarrel with the reason. It will be their aim to devise as fair and equitable a settlement as possible when the question comes to be tackled. It does not follow that a permanent settlement is the only fair and equitable assessment conceivable. I think the question is rather premature at this stage and so I oppose it. We can consider the matter later on when the question is actually taken up.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): When is it to be taken up?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): That has not been decided yet.

PRESIDENT: Mr. Robinson has already told you that, when the survey has progressed and has been made sufficiently accurate, the question of settlement will be tackled.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether the Government will be prepared to embody the principle and procedure to be followed in the next settlement in a legislative enactment?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I think it is not fair to ask of the Government regarding this matter at this stage.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It is one of the principles raised by me in the resolution.

PRESIDENT: Is it in the resolution?

[President.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It is one of the points urged by me.

PRESIDENT: Mr. Robinson says that it is not fair to ask the Government to commit themselves to a definite answer at this stage on this point.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Let us first of all set right the defects in the existing system and wait and see the result of the experiment in British India. And then if it is suitable to this country, by all means adopt it. Let us not blindy follow British India.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I take it for granted that the next settlement is not likely to be taken up within the next three years?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think that we can finish the survey and set right the defects within the next three years.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know from Mr. Robinson whether the present rules permit of re-assessment by reclassification before the next settlement?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): What does the member refer to?

PRESIDENT: He wants to know whether, during the currency of the present settlement, a reclassification of land already assessed could be done pending fresh settlement.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I wish to know whether the existing rules permit of re-assessment and reclassification of soils, before the next settlement.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): They do not permit of it. The present settlement is current for thirty years.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Is he aware of such reclassification and re-assessment?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have no information.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I point out that in respect of *Cherikal* lands declared in the settlement to be Government lands and since declared by the High Court or by civil courts as *Jenmom* lands, re-assessment by reclassification is being attempted?

PRESIDENT: *Jenmom* lands are not ryotwari lands.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether the existing rules permit of the same?

PRESIDENT: The existing rules relate to *pandarapattam* lands.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): The settlement rules do not govern *cherikal* lands.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know from Mr. Robinson whether he can give an assurance on behalf of the Government that, when the consideration of the principles of the settlement is taken up in future, final decision will be arrived at only on consultation with this Council and the principle of re-assessment will be finally placed before the Council for its approval? My point is that it should not come as a Proclamation or as a Regulation direct from His Highness the Maha Raja.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): We cannot say what will happen probably only several years hence.

PRESIDENT: Yes; several years or some years. It need not be decades.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think that question could be answered off-hand.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I do not wish to discuss the merits of permanent revenue settlement at this stage. I fully agree with Mr. Robinson in his view that the question is now premature. But I am really anxious about the future in regard to this matter. It has been vaguely stated about two years ago that resettlement will be commenced in respect of certain taluks where the settlement period of thirty years has expired. It was also suggested that, even without resurvey, it might be possible to take up the question of resettlement in the near future. From the speech of Mr. Robinson, I understand that a general resurvey may not become necessary, but that the rectification of survey is what remains to be done before the question of resettlement has to be taken up.

PRESIDENT: He does not say definitely whether a resurvey has to be done He says that the defects will have to be rectified. That was what he said.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is exactly what I meant when I said that Mr. Robinson stated that a general resurvey might be unnecessary when the resettlement question was taken up. Preliminary to resettlement, a rectification of the existing defects in the survey has to be made, and he was unable to give us any assurance as to the length of time that may be required for the rectification of survey. At any rate, for my own part, unless a general resurvey is taken up, I do not think it will take long before the rectification is complete, and the question of resettlement cannot be said to be sufficiently far off so as not to engage the earnest attention of both the Government and this House. But questions as to what principles should guide the resettlement, as to what system should be introduced by the Government with regard to the resettlement to be taken up in the near future, and what principles should guide the Government in regard to

[Mr. J. John Nidiry.]

this matter, ought to engage their serious attention. As has been pointed out by Mr. Robinson, the question is an age-long one and really very difficult of solution. It is therefore all the more necessary that the question should engage the serious attention of the Government. But so far as the interests of the people in regard to this matter are concerned, there is the risk of their not being consulted at all before the Government decide on the principles of resettlement. It is a matter which affects the agricultural population vitally; and although the land tax as such now comes in for only a small proportion—although it cannot be deemed as important when compared with the other items of revenue, still it is certainly a matter of great concern so far as the agriculturists are concerned. The question as to whether there should be an enhancement of land tax, and whether there should be a periodical revision of assessment, certainly concerns the agricultural population, especially in view of the policy of the Government that has already been enunciated *viz.*, that every further improvement towards local self-government, especially in regard to the needs of particular villages and taluks, so far as the agricultural population is concerned, should be met from local taxes. Hereafter Government will say that the villagers will have to raise their own funds which will be contributed to by grants from Government to attend to their primary needs. So that lands will certainly have to be taxed by local agencies by way of raising local revenue, and the land will also be subject to an assessment along with that. It is a matter for consideration whether it is fair and equitable that the Government should also realise from the land an equal or any decent proportion of such revenue for national purposes. As an item of national revenue, it ought not to be the aim of Government to depend upon land at all. I would, therefore, take this opportunity of bringing to the notice of the Government the urgent necessity of their tackling this question if they have not already begun to do it, sufficiently early, and their coming to some definite conclusion about this matter and then request them to place the entire question before this House for their serious consideration and to give us an assurance. I would also request the Government to give an assurance that no definite step will be taken in regard to this matter before the sense of this House is ascertained.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Mr. Robinson has assured the House that it is not likely that the next settlement will take place during the next three years. I do not therefore propose to dwell upon permanent settlement which is the subject matter before us. Still I feel bound to take advantage of this opportunity to give expression to some of the evil aspects of the last settlement and also some of the mischievous results that are still going on in its working. As has been rightly pointed out by Mr. Madhava Variar, there have been serious defects in the previous settlements, including the last one, though it was begun on scientific basis. The main object of the last settlement was uniformity and equalisation of taxes as far as possible. As my learned friend has brought home to us, this

object was not attained and there were serious defects. The scientific attempt was begun by no less a person than the late Dewan Mr. Rama Aiyangar of proved ability and experience in the Revenue Department. But one aspect which I would place before this House is the result of the working of the scheme by his successors. His immediate successors were revenue officers of considerable experience of this State. They had ample opportunities of knowing the condition and situation of this country. Mr. Rama Aiyangar's immediate successors worked out that system with sympathy. So much so that so far as South Travancore is concerned, its working was more sympathetically done under the guidance of Dewans who were the natives of this State. When the settlement of northern taluks was taken up it was a most unfortunate accident that British Indian officers came to administer the country and it was during their time that the northern taluks were settled. The latter portion of the work was completed during the time of these officers who had not much experience of local conditions. The very object of equalisation of taxes was not achieved so far as North Travancore is concerned, because, if anybody were to compare closely the system of taxation adopted in regard to lands in North Travancore, especially in the unregistered and *Cherikal* portion, it would be seen that there is great divergence.

MR. PAUL V. DANIEL (*Agastisvaram*): May I know from Mr. Nidiry whether the North Travancore ryots pay higher tax than those in South Travancore or not?

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I do not quite understand the question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): A little louder, please.

MR. PAUL V. DANIEL (*Agastisvaram*): Mr. Nidiry was saying that the settlement in North Travancore was not as satisfactory as in South Travancore.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I only said that the settlement in South Travancore was effected with more sympathy.

MR. PAUL V. DANIEL (*Agastisvaram*): I wish to know from Mr. Nidiry whether the assessment—

PRESIDENT: You mean the rates of assessment?

MR. PAUL V. DANIEL (*Agastisvaram*): Yes, Sir. I want to know whether the assesement is heavier in North Travancore than in South Travancore or not.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I shall illustrate my position. At the time of the last settlement a new basis was adopted so far as North Travancore was concerned. A circular was issued from the Huzur Cutcherry that there need be only eight *tharams* with regard to unregistered lands instead of fourteen as was the case

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originally. The *cherikal* lands and *puduvals* were classed under 14 heads. Subsequently, after the advent of Dewan Mr. Gopalachariar, I believe, these were reduced to eight classes or *tharams*; so much so that the lowest class of *cherikal* lands was classed as the eighth instead of the fourteenth. That means that the tax has been doubled or trebled so far as those lands are concerned.

My friend Mr. Krishna Aiyar put a question to Mr. Robinson as to the reclassification that is going on even now. I may also contribute my own personal testimony to the House by citing a case of my own. I had a *cherikal* land which I claimed as a *jenmom* land since I obtained it from a *jenmi*. The settlement officer, during the last settlement, wanted me to have it registered as *pandarapattam* land. I refused. Then it was treated as *pandaravagai*, and brought under the eleventh class. I filed a suit against the Sirkar for the declaration of my *jenmom* right which went up to the High Court, where it was finally decided in my favour. Subsequently, it had to be assessed on favourable terms, and in doing so, the revenue authorities converted the former eleventh class into fifth class; so much so, that my labours in courts of law came to a case of much ado about nothing; because when the land was brought under the fifth class I had no gain, since I had to pay a little more than what I had to pay when it was under the eleventh class of *pandaravagai* tenure. Such things are even now going on in North Travancore so far as *cherikal* lands and *puduvals* are concerned. So I wish to point out this aspect of the question of settlement to the officers concerned as well as to the good sense of this House. As the subject-matter under discussion has been pronounced to be a little premature now, I do not propose to go into the merits of the question of permanent settlement.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, I did not propose to speak just at this stage of the discussion. I wanted to wait a little. I find the tide has begun to flow strongly and fiercely towards the well-being of the agriculturist. There have been discussions about the quality of water, whether it is brine or fresh drinking water, or whether it is muddy or clear. But, before these discussions are over, I fear the inundation will pass out of control. I find Mr Madhava Variar is anxious to have a permanent settlement, or at least a pronouncement about it at the time of the next settlement. Mr. Robinson, on the other side, says that the question of permanent settlement is premature. From the questions asked and the answers given to the members of this House, it may be argued that the people have no serious objection to a settlement being effected. I take the view, Sir, that we should not have a settlement at all in the near future. [Mr. P. K. Narayana Pillai, "*Hear, hear*".] It is not a question of settlement coming to us in three, ten or thirty years. It is not again the question of permanent settlement which I should ask the House to consider. I want to submit to this House for their kind consideration that, once the principle of a revision of settlement is

entertained, once it is accepted by this House—I may use the expression used by my friend the mover himself—that will be a veritable engine of oppression. We all have had our experience of settlement operations. It took 21 years for the partial settlement of ten taluks and the cost has been abnormal. The cost of surveying and settling the Madras districts was Rs. 459 per sq. mile. The cost of survey and settlement in Travancore was Rs. 1,160 per sq. mile. The settlement alone cost the Madras Government Rs. 123 per sq. mile, while it cost the Travancore Government Rs. 691 per sq. mile. We hear, Sir, complaints in this Council and in the Assembly about the inaccuracy of land records and about the whims and fancies of surveyors who do what they like with other peoples' lands. We have heard of mountains being converted into lakes and lakes being converted into mountains in the land records prepared by these surveyors and we have been complaining to the higher revenue officers to come forward and correct the misfeasance of the surveyors. The fact remains, in spite of all this, that the survey records are very inaccurate. So far as accuracy is concerned, we have to begin everything anew, and it has been recognised by many Dewans—and by the present Dewan himself—that these survey records are erroneous. I may refer to the address of the Dewan to the Sri Mulam Popular Assembly in 1096. Therefore, before the question of permanent settlement is to be considered, we have to dispose of the question whether any settlement is necessary at all, or whether any settlement will be for the welfare of the State. Much has been said about equitable distribution of the burden of taxation, and I find some wrangling between the gentlemen of North Travancore and those of South Travancore. I belong neither to South Travancore nor to North Travancore. I am one of those who are privileged to have been born and brought up in the metropolis of the State. Living, as I do, in Trivandrum and viewing South Travancore and North Travancore in a spirit of absolute detachment, but of absolute love for the whole country, I say that this kind of discussion will only raise complications which will embitter the feelings of the members of this House. Mr. Nidiry said that the settlement officer had much sympathy with the people of South Travancore and that when the settlement officer went to North Travancore —

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I will just correct him. I said that the officer did so with the sympathy of the State.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is worse. If it is the sympathy of the officer I should not mind it. It is because he said that the unequal treatment was with the sympathy of the State the I demur to the observation. The fact is this. South Travancore was settled long before. Mr. Nidiry cannot have forgotten that royal authority was born in South Travancore and extended itself towards North Travancore. It is, therefore, that the lands in South Travancore were assessed earlier than those in North Travancore. You will also find that, so far as wet lands are concerned, South Travancore pays more tax than any other

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part of the Madras Presidency. The rate there is Rs. 16 to Rs. 18 per acre in Tovala and Agastisvaram, while in Vilavankod—which is also South Travancore—it is Rs. 5 per acre. In Trivandrum it is Rs. 3½. It is Rs. 2 in Quilon and Re. 1 chs. 17 in Kottayam. No doubt, as regards *cherikal* lands, there has been some difficulty in North Travancore because these *cherikal* lands were brought under cultivation rather late; so that when the Government assessed these lands, the new rules had to be followed, and this probably resulted in high assessment. My point is this. I shall be the last person to say that the people of Quilon, Trivandrum or Kotttayam should be asked to pay more by way of land revenue. I shall be the first to protest against any such proposal. But any fanciful idea of equitable distribution of land tax will land us in difficulties. The country will be split up into a number of camps fighting against one another. If the people of Kottayam and Quilon pay more tax on dry lands, the people of South Travancore pay more tax on wet lands. We must take the whole system together, instead of creating unnecessary differences of opinion. The latter course will land us in a sphere of animosity.

As regards the question of a new settlement, I think it will, instead of advancing the cause of national prosperity, retard it. Since the settlement officer is a revenue officer, he will naturally be interested in showing the highest revenue possible and the officers will be vying with one another in this respect. Officer A will say that he has collected Rs. 50,000, officer B will come and say that he has collected Rs. 1,00,000; so that this rivalry will cause considerable hardship to the people.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I wish to know what he has to say about the reclassification which I spoke of.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am coming to that.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Fourteen classes of land have been reduced to eight classes. I wish to know his view on the matter.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): To classification also my remarks are equally applicable. A revised classification will create more burdens.

PRESIDENT: I would draw your attention to the time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): You have been allowing more than the allotted time to so many members.

PRESIDENT: I have allowed a few minutes more to the mover and also to the gentleman who seconded.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The matter being a serious one, I would request you to give me the indulgence of a little more time so that I may refer to certain other aspects of the question. This is a matter which has to be very carefully considered by both sides of the House; and since the matter is one affecting all

the different taluks of the State, I would humbly request you to allow me a few minutes more even if I have exceeded the time.

PRESIDENT: I will give you five minutes more.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I leave it to you, Sir.

It will be dangerous to invest officers with authority to make a further classification. Whatever may be the rules laid down by the legislature, even if we pass an enactment, the actual work will have to be done by the revenue officers according to their temperament, and the sufferings of the people will not in the least be relieved. I think that, instead of increasing the prosperity of the people, it will seriously retard it.

As regards the question of permanent settlement, some of the members seem to speak highly in praise of Lord Cornwallis who effected the change in Bengal. The pronouncements on the subject are not uniform. I shall cite authorities who strongly condemn Lord Cornwallis. Referring to his great reputation as the creator of private property in land, Kaye observes that he was the creator of private property in State revenue, and the destroyer of private property in land, destroying hundreds of thousands of proprietors for every one that he gratuitously created. Sir H. W. Elliot describes his measure as the "most precipitate and suicidal measure in the annals of legislation." Both the condemnation and commendation are equally exaggerated. The peculiar circumstances of Bengal might have required permanent settlement at that time. But in Travancore that is not required, because conditions here are different from those in Bengal. This is an agricultural State where money is allotted by Government for minor and major irrigation works.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I wish to know whether no money is spent in Bengal for minor irrigation works.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes; a lot of it in Bengal.

PRESIDENT: Mr. Madhava Variar, do you mean money spent by the Government?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was just going to say that. I am glad Mr. Madhava Variar realises the difficulty now. With reference to the irrigation facilities here, Government have spent lakhs of rupees on the Kodayar Project and they propose to spend a good amount in the development of irrigation throughout the State. Now, Sir, the Government seek the welfare of the agricultural classes. But if we have a permanent revenue settlement, Government will not spend enough on irrigation.

Secondly, there are possibilities of remission of land tax under the present rules. If a permanent settlement is effected, the Government are not going to allow any remission. The deterioration of land also will adversely affect the landholders. I may mention one instance. In the case of lands improved, *i. e.*, *puduval* lands, the surrounding lands become

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useless. In the case of paddy fields, under the Jenmi-Kutiyan Regulation, we find that when the land has deteriorated the tenant is entitled to a reduction of rent. Lands paying a revenue to Government may also deteriorate. Therefore, in view of these circumstances, I may observe that the question should be seriously considered by the House. So far as I am concerned, it is not the question of permanent settlement, but the question of no settlement that ought to weigh with us.

Then again, there are difficulties with regard to tree-tax. I do not mean the tree-tax under the Abkari Regulation. I mean the taxing of the cocoanut, jack and other trees. It will have to be abolished at no distant date. My suggestion, therefore, is that, in order to avoid these numerous difficulties on account of the tree-tax question, and on account of the further classification of the soil, all of which means a good deal of money and time and energy, it is better to have no settlement at all in the near future. The tendency in European countries is also towards the abolition of land tax. I know R. C. Dutt and others have been quoted. Munro has been misquoted. I also find that Mr. Srinivasaraghava Aiyangar has been quoted. All of them are really great names. But, Sir, to talk of the astronomical problem and to depend upon the opinion of Sir Isaac Newton and Galileo, I do not think, would be correct. In economic questions I do not like to depend upon the testimony of any particular individual. R. C. Dutt's opinion has been questioned in the Government of India resolution on the subject, passed in 1902. I am one of those who think that the present distribution of taxation is a burden to the poor agriculturists, whereas when settlement itself is done away with and when there is no revision of land tax there will be better prosperity in the country. A permanent settlement will bind our posterity to the payment of some tax which we may cease to pay after some time. The settled policy of the Government seems to be to tap the resources of agriculturists. Mr. Madhava Variar himself has quoted statistics to show that, while land tax has only doubled itself, customs revenue has gone up four or five times within a definite period. That clearly shows that it is time that we do not trench upon resources of agriculturists. A sufficient revenue could be obtained from other sources. That will be the best thing to do. Some of us might know that King Prithu said that he would fight with the earth and break her up in order to rescue humanity by liberating the food supply which she withheld within her own bosom. But that is no reason to put up a perennial bar against the humble agriculturists. I suggest that my friend Mr. Variar, in the interests of the welfare of the Travancore agriculturists, and in consideration of the difficulties that will be created on account of permanent settlement, may withdraw the motion.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): The Royal Proclamation of 1061, which directed the last settlement, expressly laid down that there would be no new settlement for the next 30 years after the completion of the last settlement. The last settlement, as I am aware, was completed in the year 1085. So, for the next

settlement, full 30 years have to elapse from 1085. So, we have about 15 years before the next settlement. An interpretation of that declaration was also made in the G. O. published by Mr. V. P. Madhava Rao who was issuing the same to expedite the settlement operations. It is stated there:

"No taluk has been settled in the proper sense of the term. Some taluks have no doubt been treated as settled. This only means that the collection of new tax as per settlement rates has been ordered. The settlement record or the *ayacut* without which the settlement may not be said to be completed, and which forms the only basis of a sound administration of land revenue has not yet been furnished to the Revenue Department for all the taluks treated as settled."

So, according to the Royal Proclamation and the G. O. referred to, our next settlement is to come about 15 years hence. So I request the House not to fight on this question of settlement at present. As such, I agree with Mr. Robinson in viewing that the question of permanent settlement is premature. I, therefore, oppose the resolution.

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I have not to say much by way of reply, but I fail to agree with Mr. Robinson when he says that the question is not sufficiently mature for consideration. I thought that there would be a resettlement in the near future. Even according to the Proclamation of 1061, after 30 years, a resettlement will have to be made. So, if a resettlement is to be made, the principle and procedure to be followed in that resettlement will have to be considered early. In my speech moving the resolution, I suggested that a committee would have to be appointed or some persons would have to be deputed to study the various systems of settlement in vogue. If my suggestion is to be accepted, I think some time is necessary for accepting the principle to be followed in the settlement. There is no use in appointing a committee or in drafting a Bill after a resettlement. In Madras after the resettlement was begun, a resolution was passed in the Legislative Council accepting the principle of permanent settlement. There, the resolution was passed after the resettlement was begun. We must tackle this question and come to a definite resolution even before we launch upon a resettlement; and if the resettlement will not take place in the near future I can understand the objection raised by Mr. Robinson and others who say that it is premature. Even with regard to the time when the resettlement will take place, it is not at all definite. So, his objection that my resolution is premature is not very clear to me. I know that this question is a very difficult one and I do not say that Government should declare their policy with regard to it on the spur of the moment. But what I urge in the resolution is that Government may be pleased to assure this House that they will appoint a committee or depute some officers to discuss this question and to draft a Bill embodying the principle and procedure to be followed in the next settlement.

In regard to Mr. T. K. Velu Pillai's opinion, I would say a few words. I did not understand him quite fully when he said that no settlement was necessary. I do not know whether he is in favour of permanent settlement or not.

[Mr. S. C. H. Robinson.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The resolution says that we should get the system of permanent settlement at the time of the next settlement. I am not in favour of any settlement at all in the near future; and if my friend wants my opinion regarding permanent settlement, I may say that I am not in favour of permanent settlement.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I understand him to say that no settlement is necessary at all. He is not very clear to me on the point.

MR. T. K. VELU PILLAI (*Trivanrdum* cum *Nedumangad*): If I have time I shall make myself clearer.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): This was how I understood him, *viz.*, that, if permanent settlement was introduced in this country, the Government would not help the ryots with regard to irrigation facilities. I think that may be his opinion; but even if permanent settlement is introduced in this country, if the Government will launch upon any irrigational undertakings, the people will have to pay water cess or some other cess for that. So I leave the matter entirely—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): On this point—

PRESIDENT: Do you want to put a question?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes. I wish to ask whether, when land is permanently settled, Government will be prepared to spend any portion of the general revenues for purposes of irrigation.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Yes. I think the Government will be prepared. So I leave the matter entirely—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish Mr. Madhava Variar to tell the House what the practice is with regard to Bengal.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): My friend was not aware of it and I am not going to tell him now.

I think that the question is not premature and I leave the matter entirely to the House and I am not very particular about it.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have got nothing more to say. As for what Mr. Nidiry said, it is impossible to give any idea of the time required to start resettlement. Every day, fresh defects are being brought to light, and they are being brought to our notice, and we have to take steps accordingly. Therefore it is impossible to fix the time as to when it will be possible to set aright all these difficulties.

As regards Mr. Madhava Varriar's apprehensions about the wishes and the ideas of the public being ignored, it is usual, when resettlements are considered, to publish a draft of the principles which Government are prepared to adopt; and Government will freely consult the public, and steps will certainly be taken to ascertain non-official opinion and the wishes of landholders at the next settlement when it does come. More than this, it is not possible to do without notice and careful consideration. We will certainly consult the wishes of the people before taking any action.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Robinson whether there is any State officer who has knowledge of the working of the permanent settlement system?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not know.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) · In case permanent settlement is decided on, is it likely that an officer will have to be got down from outside to initiate the officers here into that system?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): As I said, whether there is to be any resettlement or whether land revenue is to be substituted by something else is the question that has got to be considered.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will Mr. Robinson be prepared to make a statement on behalf of the Government that the question of the next settlement will not be taken up for consideration until a pressing, absolutely unavoidable, financial difficulty has been made out.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I have already said what the Government will do. Public opinion will be invited and Government will publish their proposals.

PRESIDENT: Mr. Madhava Variar, do you press this resolution?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): In view of the explanation made by Mr. Robinson that the question is premature, and that resettlement will not take place in the near future, and in view of the fact that he said that the public would be consulted with regard to resettlement, I do not wish to press the motion.

The motion was, by leave of the House, withdrawn.

Introduction of Spinning in Schools.

MR. M. R. MADHAVA VRIAR (*Chengannur* cum *Pattanamtitta*): Sir, I beg to move that—

"This Council recommends to the Government that spinning be gradually introduced in all Vernacular Schools as a species of manual training."

The importance of manual training in schools has been recognised by the Government. It is mainly intended to train the hand and the eye. Though some money is spent by the Government to teach the

[Mr. M. R. Madhava Variar.]

boys how to make toys with paper and clay, it does not materially assist them in after-life. Hand-spinning by ordinary *charka* is a species of manual training, and at the same time a very useful cottage industry. In Travancore, *charka* was used in olden times and in some respectable families old-fashioned *charkas* are found in the lofts. Spinning trains the hand and the eye. A spinner has to be closely attentive to the thread. He must moderate the revolutions of the wheel to get the required count. Besides this, a spinner must do ginning (separating the seed from the cotton) carding and making roll of cotton. All these works are sufficient to train the hand and the eye. Besides this training, spinning is creative of the power of concentration which is absolutely necessary for a student. To be a good spinner, one must have constant practice on the wheel. If spinning and carding are taught in the first class, making rolls of cotton and spinning a yard of a certain count in the second class, and spinning finer counts of yarn is insisted upon in higher classes, a student, when he leaves the vernacular school, will be a good spinner. Spinning and the auxiliary processes fetch a decent profit for the pupils. A boy or girl working at a spinning wheel for one hour can earn at least two chackrams. Suppose it is being done regularly for 20 days in a month by a student, then he can meet, from his own pocket, expenses for tiffin and for fees. In Ahmedabad, many primary schools are mainly supported through two or three hours of compulsory spinning by all the inmates. So the students naturally feel a sense of pride in themselves, maintaining the school by producing enough to meet the lion's share of the general expenses. If the scheme of compulsory spinning is introduced in every school, then free and compulsory vernacular education is not a difficult matter from the financial point of view.

MR. A. HOOGEWERF (*Nominated*): May I know whether he confines it to vernacular schools only?

MR. M.R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): My resolution is only with regard to vernacular schools.

MR. J. JOHN NIDIRY (*Changnachery* cum *Minachil*): May I know whether he can get sufficient quantity of cotton in this country?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): We can cultivate cotton in this country. That is what Dr. Kunjan Pillai told me.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): The other day, I think, he said that it was not possible.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): In many places there is cultivation of cotton, I know.

My friend Mr. Kunjitomman had sent up a resolution that the state should give textbooks *gratis* to students of the depressed classes. He also stated once that they should be fed in the afternoon by the State. When we see the hard and impecunious lot of these depressed

classes, we are moved to make such proposals. Government have also sanctioned fee concessions to students belonging to the depressed classes. If they are taught spinning and if they are compelled to spin for two or three hours a day, they can be taught the most noble quality of self-reliance and their financial difficulties can also be mitigated. Captain J. W. Petavel, in his lecture on "University and Unemployment" recommended the ancient *gurukula* system. One part of the education received there was cultural and the other was to train the students in manual labour. It will be a very good thing to establish separate schools wherever possible for boys and girls of the depressed classes where spinning is regularly taught and extensively practised.

Now-a-days students have an aversion to all kinds of manual work. A boy who has passed the seventh class in a vernacular school will starve on a pittance of five or six rupees as a peon or as an underling rather than do honest manual work. By regular spinning, he will realise the dignity of manual labour.

I fear that one of the arguments which may be advanced against my proposition may be that the introduction of spinning is expensive and Government have no money to spend upon manual training or spinning. A good spinning wheel does not cost more than Rs. 2. If many wheels are made at a time, the cost will be much less. In rural parts where timber can be had without heavy cost, spinning wheels can be ordered for one rupee each. Twenty wheels will be ample for one school, for all classes do not spin at the same time, and even in spinning classes all students may not be engaged in spinning. Besides the wheels, ginners, carding bows and cotton are wanted. In a school where twenty wheels are worked, a couple of ginners, each costing less than Rs. 2, and some carding bows, which can be got for a few annas, are also wanted. Another argument against the introduction of spinning may be the paucity of cotton in the country. In South Travancore, we get a good quantity of cotton. Cotton is purchased from the adjoining district of Tinnevelly in Middle and North Travancore. There is a spinning mill at Quilon for which cotton is got from Tinnevelly. Combodia cotton plants are grown in many compounds. To cultivate cotton, if possible in the precincts of the school, will be a profitable and useful vocation for the teachers and the taught. Anyhow we need not despair of procuring cotton from one place or the other. Now there is a large demand for hand-made clothes. Even if it is not in demand, every boy can at least spin the yarn for his own clothing. The art and technique of spinning can be learnt within one or two months. But one can produce finer counts of yarn only by constant practice at the wheel. At first we have to spend one hundred rupees on a school for the introduction of spinning. Afterwards the boys will be able to make more spinning wheels out of the profits of their industry.

MR. A. HOOGEWERF (*Nominated*): What about the girls?

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): My observations will apply to girls also.

[Mr. A. Hoogewerf.]

The headmaster of a school can realise the price of each wheel by making the boys work on the wheel and selling the yarn. I have advisably used the word 'gradually' in my resolution. Government can at least make an experiment in four or five schools. If the experiment succeeds, the scheme can be gradually extended to all vernacular schools in the State. I have endeavoured to show that spinning trains the hand and the eye, teaches the dignity of manual labour, cultivates the quality of self-help and helps to make a small saving. I trust the members of this Council will whole-heartedly support my proposition. If spinning is taught in schools, it will spread like wild fire. In every home there will be spinning wheels. If leisure hours are spent to work at the spinning wheels, the members of a family can clothe themselves. Consider what the average income of an Indian is. It is reported that the average annual income of an Indian is at the most Rs. 36 or 40. His monthly income is Rs. 3 and odd. If a man is able to work two or three hours at the wheel he can make Rs. 4 or Rs. 5. Is it not an increase to the national wealth? Should we not by every means encourage this petty but useful industry? Perhaps we may not like the coarse cloth spun out of uncouth yarn. But our peasants like it and they will use it. Gradually we will be able to make finer yarn as our forefathers did. Mr. Havell, an educational authority, says that spinning exercise is equivalent to Swedish Drill.

On these grounds, I earnestly urge this resolution for the acceptance of the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Madhava Variar whether the proposed training in spinning is in substitution of manual training or in addition to the manual training now obtaining in schools?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It may be in substitution or it may be in addition.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the member's proposal?

MR. M. R. MADHAVA VARIAR (*Chengnnur* cum *Pattanamtitta*): I have not made any proposal with regard to that.

MR. A. HOOGEWERF (*Nominated*): I beg to support Mr. Madhava Variar's resolution.

PRESIDENT: You mean, second?

MR. A. HOOGEWERF (*Nominated*): Yes. I am extremely glad that Mr. Madhava Variar has brought such a resolution before this House. The spinning wheel or rather the revolutions of the spinning wheel are associated with the supposed revolutionary propaganda in India. The *charka* is looked upon as a symbol of revolution and therefore people look askance at it with a very suspicious eye. It is unfortunate that along with the political upheaval in India—India for

Indians, self-rule, *swaraj* and so on—the *charka* has fallen into disrepute. If it had been kept as a separate economic problem, absolutely dissociated from politics, I am sure Mahatma Gandhi would have been a saviour of the country in its industrial development before this. I am sorry Mr. Madhava Variar has restricted it to vernacular schools. I should have liked all schools to take it up. He was speaking of boys, but I should like to have added girls also. It is a splendid cottage industry and in keeping with the national customs and the national life of the people. I know people living along the beach who have been impoverished, and who could not make both ends meet, earning four or five annas by lace-making. Now Ezhavas and even Mahomedan girls have taken to this cottage industry. It keeps the home fires burning well. I know that, because I have been moving very closely among the fishermen. In times of famine, when there is no fishing,—there are certain seasons when everything is high and dry and all earnings have been spent, and everything looks dark—it is these poor girls that keep, as I said, the home fires burning.

Now, Sir, I read the other day a short article in a Calcutta paper, where it is said that the schools in Calcutta, under the Archbishop of Calcutta, have taken to the *charka* not as a political weapon of revolution, but on economic lines, and I am happy to know that it has proved a great success in those schools. It is producing boys and girls in plenty capable of self-reliance and self-help. An experiment has been made and it has proved a success in these schools. We, therefore, earnestly ask the Director of Industries, the Director of Public Instruction and all those concerned with education and industries in Travancore, to take up this question seriously and make it a *fait accompli* in the near future.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to support the resolution in a qualified way. While Mr. Madhava Variar was discussing this resolution and advocating the introduction of spinning into schools, I was just thinking, if the schools were occupied mainly with spinning, what would become of the teaching in schools. That is why I put the question to him whether the spinning that he proposed was in substitution of manual training or in addition to it. I am sorry he has not considered that aspect of the question. If, in introducing spinning into schools, the teaching for which these institutions have been started would materially suffer, then I am sorry I shall not find it possible to support the motion put forward by Mr. Madhava Variar

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I wish to say a word by way of explanation. My resolution is that spinning may be introduced as a species of manual training.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): According to Mr. Madhava Variar, who says that it is as a species of manual training that spinning is to be introduced into schools, we have yet to see whether it would act to the detriment of the teaching itself. It is, in that way, to ascertain that aspect of the question that I put my question to him. I am afraid he has not bestowed his thought upon that aspect

[Mr. J. John Nidiry.]

of the question. Therefore, in introducing spinning into schools, attention has to be paid to one aspect of the matter, that is to say, that the teaching in the schools should be made to suffer on no account; with such a margin and to such an extent the development of manual training, or the species of manual training which Mr. Madhava Variar advocates, may be allowed and that will be useful to the interests of the public at large. But if it is going to invade the sphere of instruction for which the schools primarily exist, then I am sorry I cannot support his position. So, in this qualified way, I am prepared to lend my support to the motion put forward by Mr. Madhava Variar.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish that the mover would adopt the form that I suggest, *viz.*, "that this Council recommends to the Government that spinning be introduced as a branch of manual training in all schools in the State" That will do away with Mr. P. K. Narayana Pillai's apprehensions and it will also obviate another difficulty which presents itself to my mind. Spinning, it has been rightly conceded, is a most useful occupation. It gives exercise, it gives training, and it puts a little money into the pockets of the people. Boys and girls want all these advantages irrespective of the question whether they go to English schools or to vernacular schools. Manual training has been introduced both in vernacular schools and English schools. It may be left to the department to determine the particular standard of manual training in any particular school, so that if we adopt the resolution in the form that spinning be introduced as a portion of manual training, Government will be obliged to introduce spinning in all schools and also to see that the difference between vernacular schools and English schools in this matter is done away with. English schools are more largely attended by the children of wealthier people, speaking generally, than vernacular schools. The boys and girls who go to vernacular schools have very little hopefulness and very little cheerfulness. Most of them enter the portals of vernacular schools because they cannot afford to do better. They look forward to a future of penury and disappointment. The case of those who go to English schools used to be different. But on account of existing numbers the same difficulty may crop up with regard to English schools also. But spinning being a means of enabling persons to earn their livelihood to a limited extent, I advocate the principle that it may be introduced in all the schools in the State—English schools and vernacular schools, boys' schools and girls' schools—as a branch of manual training. I hope this form will commend itself to the mover.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I have also to support my friend the mover in a rather limited manner. My first difficulty is with regard to the supply of cotton, to which my friend replied that we might grow enough cotton in this country. Then the best thing will be to postpone this attempt for the present and try to see whether we can get our own supply of cotton.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): By way of explanation I have to point out that I said it might be introduced in two or three schools for the first time and not in all the schools at once.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I beg your pardon. Then there is no difficulty about that. We can import a small quantity and make an experiment.

MR. A. HOOGEWERF (*Nominated*): May I know whether he is aware that all the lace that is made in Travancore is not got from outside?

PRESIDENT: You mean yarn?

MR. A. HOOGEWERF (*Nominated*): Yes.

PRESIDENT: Mr. Hoogewerf's question is whether the yarn required for lace-making is not all imported.

MR. J JOHN NIDIRY (*Changanachery* cum *Minachil*): I am not aware. It may or may not be. I have not said that.

The next point I would wish to bring to the consideration of the House is whether it will not be advisable to limit the scheme to girls' Schools. I think spinning is less manly than other kinds of manual training. So I would prefer to have it begun first in the girls' schools. Spinning and sewing go together more or less. As in the case of sewing, which is found in girls' schools, I would prefer to have the experiment first in girls' schools. With these limitations, I would support Mr. Madhava Variar.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, I also support Mr. Madhava Variar's motion. I am convinced that there is great benefit to be derived from at least a partial introduction of spinning in the various schools of the State. If we go into the difficulties in the supply of cotton and its cost, I agree that it is desirable to introduce the system gradually. If we try to introduce spinning in all schools all at once, there will be very many practical difficulties which will militate against the success of the enterprise. I should like to see spinning introduced in the schools within a compact area where the occupation of the people and other local conditions are favourable to the scheme. I would suggest that an agency should be built up first for the supply of cotton—the proper kind of cotton—and also for the collection and disposal of the goods in the best way possible. That is to say, it is not enough to introduce the system of spinning in some schools, but all the conditions necessary for ensuring its success should also be observed. Unless we do that, it may be said that the scheme has been tried and found wanting.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether people who started the lace industry first of all found the demand for the necessary lace, before they made and sold it.

[Mr. K. C. Mammen Mappillai.]

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*) : I am now only speaking on Mr. Madhava Variar's resolution and I have nothing to say about lace. If Mr. Hoogewerf would introduce a resolution on lace industry, I would be very glad to give my opinion on it.

MR. A. HOOGEWERF (*Nominated*): Is it not also a cottage industry ?

PRESIDENT: May be ; but we are not dealing with lace.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries North*) : One likely difficulty that occurs to me in the adoption of this scheme by Government is the political association of *charka* and spinning. My friend, Mr. Krishna Aiyar, might object to the use of the word politics in any connection. I should, however, think that I have perfect liberty to develop my argument in my own way ; and in doing that I should not be debarred from speaking about politics. We are all politicians in one sense. When we talk about the activities of the Government and the way in which the policy of the Government is shaped, we are talking of politics. I hope my reference to politics yesterday and to-day is of a positively innocuous character which will not offend the susceptibilities of even Mr. Krishna Aiyar. As I said, the only obstacle I see in the adoption of the scheme is the association of it with an aggressive political movement among our fellow-subjects in British India. The introduction of spinning on its own merits, on absolute economic grounds,—

MR. A. HOOGEWERF (*Nominated*) : Is it not possible to introduce the spinning wheel with a detached mind ?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*) : I am speaking for myself. I may not have a detached mind; Mr. Hoogewerf may have a detached mind. But the question is not to be judged by what one like Mr. Hoogewerf feels in the matter but by what all classes of people collectively may feel about it.

Now, as Dr. Ray has shown, the introduction of spinning as a cottage industry without any political consideration is economically useful.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know what he intends by the phrase "political consideration" he just now used ?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*) : What I meant when I referred to it when I developed my argument yesterday and to-day—

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I am speaking of the term he used just now in the last sentence.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): The way in which I used the argument may be construed by some possibly as smacking of politics, but it is not in an objectionable way.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): May I know what the objectionable part recently referred to is?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Any political activity that is openly and confessedly intended to subvert the authority of a constituted government, as is the case with the *khadar* propaganda in British India, may be objectionable politics. When we request Government for the redress of grievances, it is also an activity connected with the Government. Some people may speak of it as politics.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether the consideration of this House is to be regulated by the stupid opinions of the country, *hoi polloi* or by the opinion of the *intelligentsia* of the country.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I say if it is possible for us to introduce this system into our schools without in any way mixing it up with the associations obtaining elsewhere, I think it will be a great blessing to the future generations of the country. I have very great pleasure in supporting Mr. Madhava Variar's proposition.

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, I gather from what Mr. Madhava Variar has said in moving his resolution that he wishes to turn all our primary school boys into spinners and all our girls into spinsters. (*Laughter.*) I must oppose that proposition.

Mr. Madhava Variar has recommended the introduction of spinning into primary schools and vernacular schools *as a species of manual training*. When many years ago I studied logic, I remember learning that a species was the sub-division of a genus and it had all the qualities of the genus with some additional quality. I attempted yesterday to the best of my ability to give some idea of what our schools and colleges understood by manual training. I mentioned that manual training has two functions—a main and a subsidiary function—the main one being, as I put it, the progressive development of the qualities of accuracy, precision and thoroughness by a combination of ocular observation and manipulative skill. I mentioned there was also a kind of by-product of manual training by which is acquired nimbleness of the hand, manipulative skill and quickness of the eye. In addition to that, I mentioned a very important feature of manual training, and that is that there is indeed a great deal, nay an immense amount of variety. You do not go day after day making and producing the same thing. You produce the thing in order that you may derive the benefit of producing it. The very essence of manual training is a constant and progressive process from object to object. I would like to illustrate it by an incident which took place in Trivandrum when our present Organiser in Manual Training, Mr. Green, some years ago, was first appointed. Dr. Mitchell visited his place and saw his work. He saw that all his pupils were making T-squares or set squares. They had just reached that stage. Dr. Mitchell suggested that they might make set squares for the schools and sell them cheap. Mr. Green said: "We are

[Mr. A. Hoogewerf.]

not manufacturers. If you want set squares you had better go to a carpenter. We make the set squares in order that the pupils may derive the benefit, mental and physical, of the process of making them. When once a pupil has made a set square, he ceases to make it and goes on to make something else." That is the very root of all manual training, whatever you call it—genus or species.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask if he has understood Mr. Madhava Variar to say that every school should be made a manufactory?

MR. L. C. HODGSON (*Director of Public Instruction*): I quite understand. He did not say that. I am coming to that too.

I do not think that Mr. Madhava Variar's proposal conforms to what I understand from the educational point of view by manual training.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether precision gained by manual training in sewing, making set squares and so on is not as useful to the student as the *charka*.

MR. L. C. HODGSON (*Director of Public Instruction*): I do not deny that it will be of some use. What I say is this. The fundamental features of manual training, as understood in the educational world, are variety and progressive passing on from one object to another in order to derive the benefit obtainable from them—first one thing and then another thing. According to the present proposal that we should introduce spinning into our primary schools, I do not think that spinning can deserve to be regarded in any sense as a species of manual training.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I ask Mr. Hodgson whether, if spinning is introduced along with other species of manual training, there will be variety?

MR. L. C. HODGSON (*Director of Public Instruction*): I am afraid, if you are going to have spinning side by side with that, it will interfere with the important features of school work. Compared with manual training as it is being taught not only here but all over the world, spinning does not in any way come up to the requirements of manual training. There is very little variety in spinning.

Mr. Madhava Variar tells us that there is also the process of carding and there is difference between fine and coarse spinning. There is very little variety in it and there is very little progress possible. I have nothing whatever to say against spinning. It is a very useful and valuable thing no doubt. But as a part of the course of *general* education—and I am confining my remarks entirely to general education—as a part of that, I do not think it will be conducive to the aim and object of general education.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether Mr. Hodgson is aware that spinning introduced in a school in Varkalai, under the direction of the Director of Industries, is thriving.

MR. L. C. HODGSON (*Director of Public Instruction*): I believe that is true and I have nothing to say against it. If the Director of Industries in Travancore wishes to introduce spinning into his schools, I have not the slightest objection. My point is that it is unsuited to schools of general education. They are not schools for turning out articles of commerce; they are not schools for producing articles of utility. They do not expect boys to earn a small wage. They exist for the mental development and for the expansion—

MR. A. HOOGEWERF (*Nominated*): May I ask whether general education can suffer in any way by spinning being introduced as a side-show or something of that sort?

MR. L. C. HODGSON (*Director of Public Instruction*): Certainly, it can.

MR. A. HOOGEWERF (*Nominated*): If so, does not general education suffer by the introduction of manual training?

MR. L. C. HODGSON (*Director of Public Instruction*): No; because manual training is ever progressive. It is ever going on from something new to something newer.

MR. A. HOOGEWERF (*Nominated*): I want to know—if general education will suffer by the introduction of a side-show—like the teaching of spinning, whether it will not also suffer by introducing manual training.

MR. L. C. HODGSON (*Director of Public Instruction*): From his question Mr. Hoogewerf convinces me that he has not the slightest idea of what manual training means. I tried to explain it yesterday and Mr. T. K. Velu Pillai understood it and thought it a decent definition. What I wanted to say was that in schools of general education every subject taught should stimulate intelligence and lend itself to progressive advancement. Manual training does so. If you go and see Mr. Green's work, you will find that there is an immense variety of objects that are made by the pupils studying manual training. I have nothing to say against the *charka*, but I do not think that the acquisition of the art of turning a spinning wheel is a thing that stimulates intelligence or that lends itself to the progressive advancement of the pupils.

MR. A. HOOGEWERF (*Nominated*): Literary education is not the *sumum bonum* of education. If it is so—

PRESIDENT: You cannot argue; you can only put a question at this stage.

MR. L. C. HODGSON (*Director of Public Instruction*). Mr. Madhava Variar told us that it encourages concentration. I should like that very much—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether Mr. Hodgson has seen people spinning?

MR. L. C. HODGSON (*Director of Public Instruction*): Yes, I have certainly seen people spinning.

[Mr. L. C. Hodgson.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : Has he seen spinning in England ?

MR. L. C. HODGSON (*Director of Public Instruction*) : Spinning is not unknown in England. It is mentioned in *Shakespeare, e. g.,* "the spinsters and the knitters in the sun who use to chant the "old and plain" song "*Come away, Come away, death.*"

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Now that Mr. Hodgson says he has seen spinning, I wish to know whether he has seen spinning acted. (*Laughter.*)

MR. L. C. HODGSON (*Director of Public Instruction*): I have seen spinning acted in a theatre in England in a play called the "Yeomen of the Guard." Mr. Pitt too has seen it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether he would object to actual spinning and not the one on the stage. (*Laughter.*)

MR. L. C. HODGSON (*Director of Public Instruction*): I have no objection myself.

Mr. Madhava Variar says it encourages concentration. I do not consider that it induces concentration. In fact when a boy is turning it in a sultry afternoon, he may even go to sleep.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether by turning the wheel mechanically fine counts can be yarned?

MR. L. C. HODGSON (*Director of Public Instruction*): I am not an expert spinner, but, I believe that, by turning the wheel, you can have fine or coarse counts of yarn.

Mr. Hoogewerf spoke about lace-making. As far as I know, lace-making in Travancore is not done in schools of general education. It is done in technical schools where embroidery is taught. They have special teachers to give some instruction on general subjects. Similarly, industrial schools, which exist for the teaching of weaving or any other industry generally, as Mr. Chacko said, have a general teacher to give instruction on general subjects. I have no objection to have spinning introduced as one of the subjects in an industrial school. That is the proper place for it, provided that at the same time you give the pupils a certain and reasonable amount of general education without which it is not possible for them to get on.

Mr. P. K Narayana Pillai said—I see he has gone away since—that, if teaching will suffer, he is not in favour of Mr. Madhava Variar's proposition. My contention is that teaching *will* suffer if spinning is introduced to replace manual training. It would be introducing a very inferior type of manual training. If it was introduced in addition to manual training, it would crowd up the time-table and take up the time of other subjects.

Mr. T. K. Velu Pillai wants it to be a branch of manual training. I do not regard it as a branch of manual training.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask if there is any authoritative statement, recorded in books, to the effect that spinning is not a branch of manual training.

MR. L. C. HODGSON (*Director of Public Instruction*): I cannot say that. I have not gone through all the books in the world. There are some books I have not read which may contain the statement. (*Laughter.*) I am saying from my own observation and from my own belief, after having studied the subject of manual training itself, that spinning, although done by the hand, is not manual training as taught in schools of general education. I do not deny the fact that manual training is not a good name.

MR. A. HOOGEWERF (*Nominated*): I wish to ask whether Mr. Hodgson is not aware that the Madras Retrenchment Committee recommended the amalgamation of the Arts College—

PRESIDENT: How does it arise here?

MR. A. HOOGEWERF (*Nominated*): I hope Mr. Chacko will take it up.

PRESIDENT: That does not arise in this connection.

MR. L. C. HODGSON (*Director of Public Instruction*): I am opposing this motion on the ground that I do not consider spinning as an adequate substitute for manual training proper which we are introducing into all our schools—both boys' and girls' schools—and that I do not consider it can possibly be introduced in addition to manual training because there will not be sufficient time for the ordinary work of the schools to be carried on. I speak for myself; I cannot speak for Mr. Chacko. I shall have no objection to have it introduced into industrial schools as those are the proper institutions where it should be introduced.

The House rose for lunch at 2-27 P. M. and reassembled at 3-15 P. M.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I beg to give my hearty support to the resolution moved by Mr. Madhava Variar. The resolution is rather innocent in its wording, but it is one which is fraught with immense potentialities, if it is carried out in its entirety by the Government of this country. I suppose I need not tell the people of this place, especially the old men, that once most of the people belonging to this country, especially the high-caste Hindus, used only clothes manufactured in this country and known as *tortus* and *neriatus*—and all the threads woven by them were manufactured from the cotton grown in this country itself. Even now, among Malayala Brahmins and Tamil Brahmins, all the sacred threads are woven from cotton spun at home by themselves, or their women. At one time, the weaving and spinning industry was in a flourishing state and had a place in the economy of the people of this State.

[Mr. A. Govinda Menon.]

I have nothing to say against Mr. Hodgson's ideals. They are certainly ideals fit to be put forward by the Director of Public Instruction and, if possible, he ought to bring them into practice. But, unfortunately, in this work-a-day world, in this materialistic age, all ideals and theories, not only in respect of education, but in respect of other vital matters also, cannot be put into practice without looking into the practical side of those ideals and theories. It is known to most of us that agriculture and allied subjects are taught in different educational institutions, not in industrial institutions but in ordinary schools. There are very many men who advocate the introduction of training in the theory and practice of agriculture in primary schools. Of course, there are those who are against it on the ground mentioned by Mr. Hodgson himself, because it interferes with the true ideals of education. Of course, that interferes with the true ideals of education. Those who know the real condition of the school-going population of this country will see that at least 50 per cent. of the population in primary schools do not eat two meals a day. Generally 50 per cent. have sometimes to walk two and three miles. Boys and girls between 4 and 8 years of age have to walk three miles from their houses taking a little *conjee*. They have really to starve a whole day till they return home. That is the real condition of the school-going population of the State. It is not possible for the Government to do much to alleviate this kind of distress among the school-going population. The only thing Government can properly do is to help them to learn something useful for their livelihood when they have left the school and while they are in the school. As regards Malayalam education, every official who is here has experienced the troubles that are daily caused by the so-called School Leaving Certificate men. They go to the doors of every official to get at least a peon's place, but the peons' places and the clerks' places are limited, and as they are fit for nothing else, they are likely to form a set of dangerous 'politicals' whose future God alone may know. We cannot yet accurately gauge it. The kind of education that is imparted now, although it is theoretically perfect, has been proved to the hilt to be practically useless in after-life. Unless we combine the training of the intellect or the imparting of culture with a little of practical knowledge which may be of use to the pupils in after-life or which is of immediate use, it will not be of much use to the greater portion of the school-going population. It will be a means of stimulating the *swadesi* industry and will serve as a means of inculcating self-respect and thrift among these boys who have not a good education. They will be able to earn two chackrams at least a day. Otherwise, I do not know whether they will be fit to earn even one chackram a day. We would get a greater number of boys in our primary schools, more parents of boys would be glad to send them, if Government or some other benevolent agency were prepared to pay the price of books needed in the schools for them. When such is the grinding poverty of most of the people of the lower classes who form a majority of the school-going population in primary schools, I ask: "Is it not the duty of the public and

the Government to give them the means to earn something immediately and also to earn something in after-life without being always a trouble to the parents and the officials in the State?" Every one of us, I think, knows very well how we receive dozens of letters for appointments. We cannot approach Heads of Departments as we have often to criticise them. That is the state of affairs the present system of education engenders. I therefore request the House to give its hearty support to the resolution.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Sir, I did not want to intervene in this debate. But I felt considerable doubts myself and wanted to give expression to those doubts to have them cleared by Mr. Hodgson and Mr. Madhava Variar. The subject need not be treated from the standpoint of emotion or sentiment. Mr. Hodgson made a pronouncement to the effect that spinning cannot have a place in general education. Many of my friends on this side of the House were advocating it to a certain extent from the point of view of vocational education. In manual training itself, if I understand it aright, there can be several heads of curricula. Mr. Hodgson tells us that the underlying policy is that variety of exercise is given to the finger, the hand and the eye. In that variety then, many matters can find a place. We need not confine it to button-making or hook-making or inlaid work. A number of items of curricula are passed through by the boys who are going through manual training. Among these heads, can or cannot spinning find a place? A boy begins with button-making or hook-making; after that cannot he be given a lesson in spinning also? Would it be absolutely out of place, absolutely beyond the scope of manual training? I do not want to say anything about the objection taken to the word "species." In going through that variety, which according to Mr. Hodgson is the spice of manual training, cannot *charka* or spinning find any place whatever? That is one doubt I feel in my mind.

As regards Mr. Madhava Variar's proposition, I do not know whether Mr. Madhava Variar wants this subject to be introduced as a compulsory one. I believe he may limit its scope to giving a few lessons, say, for a few months and then pass on to other items of manual training. If that is what Mr. Madhava Variar proposes and Mr. Hodgson accepts, there cannot be much difference between them. I do not put it forward from the point of view of sentiment or emotion. I know politics has been referred to and I felt considerably edified by the definition given by Mr. Mammen Mappillai, and especially that portion of it which differentiated between politics and objectionable politics—objectionable politics, *i. e.* politics objected to by Government. I thank him very much for the information given by him.

MR. K. C. MAMMEN MAPPILLAI (*Commerce* and *Industries, North*): I rise to a word of personal explanation. I did not give that interpretation. It is only Mr. Krishna Aiyar's interpretation.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I trust my ears. I only express my thankfulness for the definition given by him. It may be my mistake—I do not want to make capital

[Mr. T. Kumara Pillai.]

out of every word that comes out of Mr. Mammen Mapillai's mouth. Looking at it from the same detached standpoint from which, he says, it ought to be looked at, viewing from that standpoint, not from the cult of non-co-operation, I think *charka* and spinning my be given a place in the scheme of manual training.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഇന്നത്തെ വിദ്യാഭ്യാസം കഴിഞ്ഞു വിദ്യാലയങ്ങൾ വിട്ടിറങ്ങുന്ന യുവാക്കന്മാൎക്ക് ആഹാരത്തിനു സഹായമായി തീരുമെന്നുള്ള കാരണത്താൽ മിസ്റ്റർ മാധവവാരിയരുടെ പ്രമേയത്തെ ഞാൻ അനുകൂലിക്കുന്നു. പുറമേയുള്ള സ്ഥലങ്ങളിൽ നടക്കുന്ന കുഴപ്പങ്ങൾക്കും ചൎക്കായ്ക്കുമായി സംബന്ധമുണ്ടെന്നും അതിനാൽ അതിനെ ഇവിടത്തെ ഗവർൺമെന്റു സ്വീകരിക്കുമ്പോൾ ആലോചിക്കേണ്ടതാണെന്നും ഉള്ള വാദങ്ങൾക്കു അൎത്ഥവുമില്ലാത്തതാണ്. ചൎക്കാ ഇവിടെ നൂതനമായി ഏൎപ്പെടുത്താൻ ഉദ്ദേശിക്കുന്നതായ ഒരു കൈത്തൊഴിലല്ല. തെക്കൻതിരുവിതാംകൂറിനെ സംബന്ധിച്ചു പറയുന്നതായാൽ മുൻകാലങ്ങളിൽ ഓരോ വീട്ടിലും ചൎക്കാ ഉണ്ടായിരിക്കയും അതു ജനങ്ങൾക്ക് ഒരുപജീവനമാൎഗ്ഗമായിരിക്കയും ചെയ്തു എന്നുള്ളത് എനിക്കറിയാവുന്നതാണ്. ചൎക്കായിൽ നിന്നും കിട്ടുന്ന നൂൽകൊണ്ടു കുളച്ചൽ കട്ടിമുണ്ട് ഉണ്ടാക്കിക്കൊണ്ടിരുന്നു. ഈ കട്ടിമുണ്ടു മിനുസമുള്ള മൽമലിനെക്കാൾ ബലമുള്ളതായിരുന്നു. ആദായകരമായ ഈ കൈത്തൊഴിൽ പല കാരണങ്ങളാലും ഇടക്കാലത്തു നശിച്ചു നാമാവശേഷമായി തീൎന്നു. ഇതിന്റെ ഫലം അതിൽപിന്നീടുള്ള കാലങ്ങളിൽ ജനങ്ങൾ വേണ്ടുപോലെ അനുഭവിച്ചുകഴിഞ്ഞിരിക്കുന്നു. ഒരുകാലത്ത് ഈ രാജ്യത്തിൽ ധാരാളം പ്രചാരത്തിലിരുന്നതും ഇടക്കാലത്തു നശിച്ചുപോയിട്ടുള്ളതുമായ ചൎക്കായെ പുനരുദ്ധരിപ്പിക്കുന്നതിനുള്ള ശ്രമത്തേയും പുറമേയുള്ള രാജ്യകാൎയ്യങ്ങളേയും കൂട്ടിച്ചേൎത്തു ഘടിപ്പിക്കേണ്ട ആവശ്യം ഒന്നുകൊണ്ടും ഇല്ലാത്തതാണ്. ജനങ്ങളുടെ ദാരിദ്ര്യാവസ്ഥയെ കുറയ്ക്കുന്നതിനുവേണ്ടി ഒരു കൈത്തൊഴിൽ വേണമെന്നു കരുതി ഇപ്പോൾ ജനങ്ങളുടെ ഇടയിൽ തുടങ്ങി നടന്നുവരുന്ന ചൎക്കായ്ക്കു കൂടുതൽ പ്രചാരമുണ്ടാക്കുന്നതിനുവേണ്ടി എല്ലാനാട്ടുഭാഷാവിദ്യാലയങ്ങളിലും അതു ഏൎപ്പെടുത്തണമെന്നുള്ള മിസ്റ്റർ മാധവവാരിയരുടെ ഉദ്ദേശത്തെ ഒരിക്കലും ആക്ഷേപിക്കാൻ പാടില്ലാത്തതാണ്.

ഇന്നത്തെ വിദ്യാലയങ്ങളും, അതിൽനടന്നുവരുന്ന ഇന്നത്തെ വിദ്യാഭ്യാസവും, അതിൽ ജനങ്ങൾക്കു കിട്ടിവരുന്ന ഉപജീവനമാൎഗ്ഗങ്ങളും,

അതിനാൽ ജനങ്ങൾക്ക ഉണ്ടായിവരുന്നധനാദായവൎദ്ധനയും, അതിനാൽ ഭരണകാൎയ്യങ്ങളെ ബാധിക്കുന്ന സ്ഥിതികളും എല്ലാം കൂട്ടിച്ചേൎത്ത് ആലോചിക്കുമ്പോൾ സ്വരാജ്യസ്നേഹമുള്ള ആരുടേയും തലയ്ക്കു തിരിച്ചിൽ വരാതിരിപ്പാൻ നിവൃത്തിയുണ്ടെന്നു തോന്നുന്നില്ല. ഇന്നത്തെ വിദ്യാഭ്യാസരീതി ജീവിതമത്സരത്തിനു വേണ്ടപോലെ സഹായിക്കുന്നില്ലെന്നും അതിലേക്ക് അനുരൂപമായ വഴികളിൽ വിദ്യാഭ്യാസഗതിയെ തിരിച്ചുവിടണമെന്നും അനേകകൊല്ലങ്ങളായി പ്രജാസഭയിലും ഇപ്പോൾ നിയമസഭയിലും വാദിച്ചുവരുന്നു. അതിലേക്കു വേണ്ടവഴികളെ നിൎദ്ദേശിച്ചു ഗവൎൺമെൻറിനെ ഉപദേശിക്കാനുള്ള അധികൃതന്മാരിൽ ആരും തന്നെ അതിലേക്ക് ഇതുവരെ തയ്യാറായിട്ടുള്ളതായിഅറിയുന്നില്ല. വിദ്യാഭ്യാസ ഡിപ്പാൎട്ടുമെൻറു ജനങ്ങൾക്ക സാഹിത്യവിദ്യാഭ്യാസം കൊടുക്കാനുള്ള ഒരു സ്ഥാപനമാണെന്നും ആ ജോലി ശരിയായിനിൎവ്വഹിച്ചുവരുന്നുണ്ടെന്നും ഉള്ള സമാധാനത്തോടു കൂടി വിദ്യാഭ്യാസഡയറക്ടർ അതിൽ നിന്നും ഒഴിഞ്ഞിരിക്കുന്നു. ജനങ്ങളുടെ ധനാദായവൎദ്ധനയ്ക്കുവേണ്ട വ്യവസായമാൎഗ്ഗങ്ങളെ കണ്ടുപിടിച്ചും അവ അവരെ ഉപദേശിച്ചും അനുഭവത്താൽ അവൎക്ക കാണിച്ചുകൊടുത്തും വഹിക്കേണ്ട പ്രധാനചുമതല വ്യവസായഡിപ്പാൎട്ടുമെൻറിനാണുള്ളത്. ആ ഡിപ്പാൎട്ടുമെൻറിന് ഇപ്പോൾ അഞ്ചുവൎഷത്തെ പഴക്കവും, ഫ ഠ ൻ വ്യ അവസാനം വരെ അഞ്ചു ലക്ഷത്തിൽ പരം രൂപാചിലവും കഴിച്ചതിൽ പിന്നീട് ആ ഡിപ്പാൎട്ടുമെൻറു പലവിധമായ പരീക്ഷണങ്ങൾ നടത്താൻ ഇപ്പോൾ പ്രവേശിച്ചിരിക്കുന്നതേയുള്ളു എന്നാണ് പറയുന്നത്. ഈ നിലയിൽ വ്യവസായഡിപ്പാൎട്ടുമെൻറിനെ കൊണ്ട് അടുത്ത കാലങ്ങളിൽ പ്രയോജനകരമായ ഫലപ്രാപ്തി ആശിക്കാൻ ജനങ്ങൾക്ക് അവകാശമുണ്ടെന്നു തോന്നുന്നില്ല. വ്യവസായഡിപ്പാൎട്ടുമെൻറിന്റെ പഴക്കത്തിനും അതിലേക്കുവേണ്ടി ചിലവാക്കീട്ടുള്ള തുകയ്ക്കും ജനങ്ങൾക്ക ഒരു കൃതാൎത്ഥതയുള്ളതാണ്. അതായതു എല്ലാപരിഷ്കൃതരാജ്യങ്ങളിലും ഏൎപ്പെടുത്തീട്ടുള്ളതുപോലെ നമുക്കും ഒരു വ്യവസായഡിപ്പാൎട്ടുമെൻറ് ഉണ്ടെന്നുള്ള ഒരു അഭിമാനം ലാഭമായിനില്ക്കുന്നു എന്നുള്ളതാണ്. വ്യവസായസംബന്ധമായുള്ള രാജ്യത്തിന്റെ ഈ നിലയിൽ ജനങ്ങളുടെ ഉപജീവനമാൎഗ്ഗമായി കരുതി സാധാരണജനങ്ങളുടെ സാധാരണബുദ്ധിക്കുതോന്നി പറയുന്നതായ വഴികളിൽ കൂടി പരീക്ഷണങ്ങൾ നടത്തേണ്ടത് ആവശ്യമെന്നാണ് തോന്നുന്നത്. അങ്ങനെയുള്ള ഒരു അപേക്ഷയാണ് ഇപ്പോൾ മിസ്റ്റർ മാധവവാരിയർ കൊണ്ടുവന്നിട്ടുള്ളത്. നാട്ടുഭാഷാവിദ്യാലയങ്ങളെമാത്രം നോക്കുന്നതായാൽ, ഇപ്പോൾ നക്ഷ ലക്ഷത്തിൽ പരം വിദ്യാൎത്ഥികൾ

[Mr. T. Kumara Pillai.]

പഠിച്ചുവരുന്നതായി കാണാവുന്നതാണ്. നാട്ടുഭാഷാവിദ്യാലയങ്ങളിൽ നൂൽനൂല്ക്കുന്നതിന്നു പരിശീലിപ്പിക്കയും ആ ജോലി അവരുടെ വീട്ടുകളിൽ വച്ചു ദിവസേന ഓരോ മണിക്കൂർ വീതം നടത്തുകയും ചെയ്യുന്ന പക്ഷം അവരുടെ കാലക്ഷേപത്തിന്നു വലുതായ ലാഘവമുണ്ടായിത്തീരുമെന്നുള്ളതാണ്. എന്നുമാത്രവുമല്ല, ഇന്നേദിവസം വിദ്യാലയങ്ങളിൽ പഠിക്കുന്ന വിദ്യാൎത്ഥികളുടെ പരീക്ഷാവിജയങ്ങൾ കഴിഞ്ഞാൽ സൎക്കാർജീവനങ്ങൾക്കായുള്ള ശ്രമങ്ങളിൽ പരാജയത്തോടും ഇച്ഛാഭംഗത്തോടും പിൻതിരിയുമ്പോൾ ആ കാലത്തെക്കു നൂൽനൂല്ക്കുന്ന ജോലിയും, ആ നൂൽ കൊണ്ടു മുണ്ടുണ്ടാക്കി ഉപയോഗിക്കയും ചെയ്യുന്നതായാൽ അത് അവൎക്കൊരു വലുതായ അനുഗ്രഹമായിത്തീരുന്നതാണ്. നൂൽനൂല്ക്കുന്ന ജോലി ആൺകുട്ടികളെക്കാൾ പെൺകുട്ടികൾക്കാണ് അധികമായി ഉപകരിക്കുന്നത്. പെൺകുട്ടികൾക്കു കിട്ടിവരുന്ന ഇന്നത്തെ വിദ്യാഭ്യാസവും അതിലെ പരീക്ഷാവിജയങ്ങളും കഴിഞ്ഞുവരുമ്പോൾ അവരെക്കൊണ്ടു ഗൃഹജോലികൾക്കു സാധിക്കാതെയും, അതിലേക്കുള്ള കായബലമില്ലാതെയുമാണ് സാധാരണയായി കണ്ടുവരുന്നതു. വിദ്യാഭ്യാസശേഷം പലവിധമായ നിരാശകളോടുകൂടി വീട്ടുകളിൽ വിഷമിച്ചിരിക്കുന്ന യുവതികൾക്കു കായക്ലേശമില്ലാത്തതും നിൎദ്ദോഷവുമായ ഈ ജോലി പരിശീലിച്ചിരുന്നാൽ ആ കാലത്തെ പ്രയോജനകരമായ വിധം ചിലവാക്കാൻ അവൎക്കു സാധിക്കുന്നതാണ്.

ഈ വഴി പഞ്ഞിക്കു ചിലവു വൎദ്ധിച്ചുവരുമ്പോൾ ഈ രാജ്യത്തു പഞ്ഞികൃഷിക്കു സൌകൎയ്യമുള്ളതായ സ്ഥലങ്ങളിൽ ആ കൃഷി നടത്തുന്നതിന്നു ഭൂമി ഉടമസ്ഥന്മാർ തയ്യാറാകുന്നതാണ്. ആ വഴിയിലും ജനങ്ങൾക്ക് ആദായത്തിന്നു സൌകൎയ്യമുള്ളതായി കാണാം.

എല്ലാ നാട്ടുഭാഷാവിദ്യാലയങ്ങളിലും വണ്ടിച്ചക്രങ്ങൾ ഓടിക്കൊണ്ടിരിക്കുന്നതുപോലെ ചൎക്കാകൾ വേലചെയ്തുകൊണ്ടിരിക്കുന്ന കാഴ്ച ചിലൎക്കു നീരസമായിത്തോന്നിയേക്കാവുന്നതാണ്. അവരോടു് എനിക്കു ഒരു സമാധാനമാണ് പറവാനുള്ളതു്. അതായതു നമ്മുടെ വ്യവസായഡിപ്പാൎട്ടുമെൻറിൻെറ ശ്രമഫലങ്ങളാൽ നമ്മുടെ രാജ്യത്തുണ്ടാകുന്ന അനേകതരത്തിലുള്ള അസംസ്കൃതസാധനങ്ങളെ സംസ്കൃതസാധനങ്ങളാക്കിത്തീൎക്കാനുള്ള വിദ്യാഭ്യാസവും പരിശീലനവും ജനങ്ങൾക്കു കിട്ടുകയും അതിൻെറ ഫലമായി അവർ ഉണ്ടാക്കുന്ന മിനുസമായ സാധനങ്ങളിൽ അവരുടെ ആവശ്യങ്ങൾ നീക്കിയുള്ളവയെ വിദേശങ്ങളിലേക്ക് അയച്ചു ലാഭമെടുക്കുന്നതിനും

ആ വഴി നമ്മുടെ ധനാദായസ്ഥിതി വർദ്ധിക്കുന്നതിനും ഇടവരുന്ന കാലത്ത് വിദ്യാലയങ്ങളിൽ നൂൽനൂല്ക്കുന്നതിനു പരിശീലിപ്പിക്കുന്ന ജോലി നിവൃത്തി അതിനേക്കാൾ കൂടുതൽ പ്രയോജനകരവും ആദായകരവുമായ കൈത്തൊഴിൽ ഉണ്ടായിവരുന്നപക്ഷം അപ്പോൾ അതിനെ സ്വീകരിച്ചുകൊള്ളാമെന്നുള്ളതാണ്. ഈ കാരണങ്ങളാൽ മിസ്റ്റർ മാധവവാരിയരുടെ പ്രമേയത്തെ ഞാൻ ഹാർദ്ദമായി അനുകൂലിക്കുന്നു.

MR. M. N. PILLAI (*Trivandrum*): The difficulties brought forward by Mr. Hodgson are purely theoretical, very imaginary and highly magnified. To take but one instance, to construe the proposition of Mr. Madhava Variar, as one intended for converting a school of boys and girls into spinners and spinsters, shows the nature of the sympathy he has for the subject as a whole. That manual training with spinning also would stand in the way of imparting instruction in the three R's is a proposition which, I must submit, is difficult for me to understand. Not a single objection of a weighty nature has been brought forward, whereas the arguments brought forward by the mover and others have not been refuted. Under these circumstances, I have great pleasure in supporting the resolution.

REV. FR. KURIAKOSE VETTIKKAPALLI (*Todupuzha cum Kunnatnad*): Sir, after listening to the speech of Mr. Hodgson and the clear definition he has given of manual training, I am not prepared to support the motion and say that spinning should be introduced into our vernacular schools as a branch or as a species of manual training. However, I am for the motion in as much as it will certainly go a good distance to solve the great problem that seriously faces us and of which we have heard so much of talk during the last budget discussion—I mean, the problem of finding some work for these boys who come out after vernacular education from our schools. It is a serious problem, and different solutions had been suggested during the last discussion. I think it will be a very good solution if these boys, whether as a species of manual training or something else, could be trained to do some useful work such as spinning in the school; and after they are trained to that, when they come out, first of all, they will not consider it below their dignity to do some useful manual work in their after-life. So, as a solution to such a serious problem, I would suggest that the Director of Public Instruction may find his way to see that, if not as a species of manual training, under some other heading, some time in the career of these children is spent on *charka* or some similar useful manual work. So, although not as a species of manual training, as a solution of this problem I would support the motion, in favour of the teaching of spinning.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, while I regard Mr. Hodgson's objection to the introduction of spinning in schools as a species of manual training as technically correct, while I regard spinning as not strictly pertaining to the scope of general education, I

[Mr. K. Paramesvaran Pillai.]

yet think that spinning, being, unlike other industries, an industry of the greatest and widest economic importance to the people at large, it will not be out of place to give an elementary training in the industry in schools. I do not see what valid objection there can be to give this initial instruction as part of the manual training now taught to school-children. It need not occupy much of the student's time. Half an hour a day would be ample for instruction in this branch, and I do not think that this will materially interfere with the other branches of manual training. I have no fear that the schools would thereby be converted into manufactories. As to whether training in spinning should be made compulsory, I do not think that this need be done. It may be left entirely to the option of the students. The training need be introduced only on a small scale at the outset and in accordance with the country's present resources as regards the production of cotton. The value of such training in developing a spirit of self-help and in the solution of the important problem of unemployment would be simply incalculable. I therefore support Mr. Madhava Variar's resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, when I read this resolution, my impression was that the Director of Public Instruction would be the very first person to come forward with open arms to welcome it. He is, of all persons, one who is expected to have the greatest concern for the crying problem of unemployment amongst a large number of school-boys—I mean the School Leaving Certificate holders—he is turning out year after year from the schools which are under his control. But, unfortunately, against all my expectations, he has put up an opposition to the resolution. I consider that it is not because he has no sympathy for the unemployed amongst the boys turned out from his schools but probably because he has been misled by the wording of the resolution which confines itself to limiting the scope of the study to manual training in schools. Nevertheless, if the study is capable of having other beneficial effects, the Director of Public Instruction could very well have supported it on those grounds. Even on the ground that it may be taken as a part of manual training in schools, I think the proposition is capable of being supported. Mr. Hodgson says that it is not capable of progressive development as regards the habits of accuracy and precision and some other habits which he mentioned and which I forget, because it is purely a mechanical process and because it begins and ends with the mere turning of the *charka* with the hand. If he thinks so, it is due entirely, I think, to an ignorance of the process of spinning, because although hand-spinning has been taken up by grown-up people for the last three years in India it is well-known that they have not been able to produce finer counts, such as may be useful for producing good cloth. If we only look at the *khadi* that has been produced even to-day after three or four years' drill, you will find that they have been able to produce only the coarsest yarn that is possible. Therefore when the

Director of Public Instruction says that it is a purely mechanical process, and that it does not require deftness of hand or the application of mind, I should think he is sorely mistaken. It trains the hand; it trains the mind; and it is also capable of developing the habits of precision and accuracy and other fine qualities, the development of which is aimed at in schools.

Mr. Hodgson also told us that another quality or condition which is requisite for a proper manual training is variety. As has been pointed out by one of the speakers, even assuming for the sake of argument that in spinning there is no variety—which is not admitted—it may be one of the links or it may form one of the various processes of manual training in schools, just as making a cube or some little drawing by the crayon, may form one of the various species or forms of manual training. Further, it is not correct to say that there is no variety in spinning itself, because, as Mr. Madhava Variar has suggested, there are ginning, carding, spinning, and also attempting to make finer counts of yarn. Thus, there is a great deal of variety in spinning if we only look at it from a proper standpoint. So, as I said before, it is not correct to say that there is no variety in spinning. It appears to me, therefore, that there is absolutely no reason why it should not form part of manual training in schools.

Mr. Hodgson also told us that it would affect the education of boys in schools and that the curriculum would be overcrowded. So far as I can see, the curriculum is already overcrowded and it requires relief. There are portions of the curricula which can very advantageously be cut off and spinning may be introduced in the place of such of the subjects as are cut off. (*Hear, hear.*) After all spinning does not require the attendance of boys for any considerable length of time every day. Two or three periods, or even a period or two a week, will be quite sufficient for a boy in the primary school to pick it up. Therefore, to say that it will affect the education of a boy is, I submit, absolutely unfounded.

Further, it appears to me that spinning itself can form part of the education in schools, because education in schools need not necessarily be, and in my opinion ought not to be, purely literary in character. The purely literary type of education has been condemned by all educational authorities in India. Therefore, it is advantageous to give a certain amount of vocational or industrial bias to education even in the earlier stages of school education. In addition, spinning appears to me to be useful in giving that kind of vocational bias in schools. Several boys may take it as a kind of vocation in their life. Especially in regard to those from the lower and the depressed classes, it may add to the normal income of those boys. Mr. Hodgson spoke of a real object in manual training and he also spoke of a secondary object which is more or less a bye-product.

This is also capable of producing a bye-product, *viz.*, that of enabling the boys to earn a few chackrams every day by taking to it as a profession or avocation in life. Therefore, it appears to me that there is absolutely no reason why the suggestion should not be given a trial in the

[MR. Joseph Panjikaran.]

schools and, if found successful, why the scheme should not be extended as widely as possible to all the other institutions—not only in vernacular schools as suggested by Mr. Madhava Variar but also in English schools. With these few words, I have very great pleasure in supporting the resolution.

MR. JOSEPH PANJIKARAN (*Shertallai*): I also support the resolution that has been moved by my friend Mr. Madhava Variar. I was always of opinion that anything that would be in the line of directing the improvement of the industries of the country should be welcomed. This is a thing whose importance cannot be overestimated. As soon as the great war broke out, we all know from experience—

MR. L. C. HODGSON (*Director of Public Instruction*): I cannot hear what the member is saying.

PRESIDENT: Please speak louder, Mr. Panjikaran

MR. JOSEPH PANJIKARAN (*Shertallai*): As soon as the great war broke out, we know how the price of linen went up, how many poor people were literally deprived of the means of covering their nakedness and to what extent the misery of the people of the country increased on account of the Manchester mills not coming to our aid. So, I think it is a very great necessity to see that something is done in those directions whereby, to a certain extent at least in cases of urgent necessity, we shall stand upon our own legs instead of standing on the legs of others. Now, the resolution is that "this Council recommends to the Government that spinning be gradually introduced in the vernacular schools as a species of manual training." The important objection that was raised to the acceptance of the resolution has come from Mr. Hodgson. In my opinion, he does not attack the resolution itself, but only the surplusage or appendage or something that qualifies the resolution, *viz.*, "as a species of manual training." So I think that even Mr. Hodgson himself is at one with us so far as the important portion of the resolution is concerned, which is the *gradual* introduction of spinning into vernacular schools. Whether it should be as a species of manual training or in some other way, is not the important matter before the House. But it is the introduction of spinning in the vernacular schools that is the most important thing in the resolution. Whether it is viewed as a piece of gymnastics or as a species of manual training is of comparatively little consequence.

So far as the introduction of spinning itself is concerned, Mr. Hodgson has not put in a word against it. He was practically conceding it. But for the surplusage, I think, Mr. Hodgson would have supported the resolution. He has not supported it simply because it is not a species of manual training. Let us drop those words altogether from that resolution. Then I think we will have the whole-hearted support of the official side headed by Mr. Hodgson in this respect.

Even on the question as to whether it is a species of manual training, I have my grave doubts whether I should accept Mr. Hodgson's pronouncement on this point that it cannot in any way be considered as a species of manual training. I beg to differ from Mr. Hodgson and Mr. Green—for both of whom I have got great respect—when they say that this cannot under any circumstances be considered as a species of manual training. I think that every system of manual training requires some intelligence, some application, and some attention. So I do not think that the proposition of Mr. Hodgson that it cannot be considered as an elementary species of manual training is correct. I think that I cannot accept it.

The other objection that has been raised to the resolution is that it would be taking away a considerable portion of the time of the student. I think the objection that was raised was without understanding the spirit of the resolution. First of all, we do not want to introduce spinning as a sort of subject that should occupy a major portion of the time of the student. After all, it would engage the student only for half an hour or an hour a week at the most. Moreover, the resolution has been cautiously worded. Having regard to the importance it deserves, I think that kind of objection should not have been put forward.

Then there has been some talk of politics and spinning wheels. I do not understand why politics should be dragged into this discussion. If some people object to our looking into our own comforts, our endeavouring to lift ourselves, we are not concerned with it. We cannot help it. Purely from the industrial point of view, we are supporting the introduction of the spinning wheel, and therefore I support the resolution.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnatur*): I also give my full support to the resolution. Mr. Hodgson said that spinning cannot be treated as a species of manual training. I know, Sir, rattaning was introduced in many of the schools in the State. I do not know whether that was introduced as a species of manual training or independently of that. Anyhow that has been introduced into schools. I cannot see any difference between the art of spinning and the art of rattaning. By the introduction of rattaning into many of the schools of the State, we make the boys turn out some articles of furniture by rattaning, and by the introduction of the spinning wheel we will enable them to sell cloths, etc., and earn some money which, I believe, goes to the boys themselves. By the introduction of the spinning wheel we ask them to make threads which can also be sold and they may get some income in that direction also which will go to the benefit of the boys. If rattaning can be introduced either as a species of manual training or independently—

MR. L. C. HODGSON (*Director of Public Instruction*): May I correct Mr. Kochukunju Pillai? I believe there are no schools in the Education Department in which rattaning is taught. A few years ago

[Mr. N. Ramakrishna Pillai.]

rattaning and weaving classes were attached to some of our Vernacular Middle Schools. Since then, all these schools have been abolished or have been handed over as industrial schools to the Director of Industries.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Anyhow that was introduced in schools without any objection. So we can also make an attempt to introduce this and see whether it would thrive or not. The industry can be taught in schools. Anyhow I find that the resolution is an innocent one. If Mr. Hodgson would accept the resolution for the present and make a trial in schools and if, in the course of such trial, he finds that the introduction of spinning affects the students in the matter of general study or in other ways, it is for him to move for the abolition of the same. As such, I support the resolution.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): Sir, I also support the resolution. There is now a false idea in the minds of our boys who come out of Vernacular schools with a School Leaving Certificate that it is disgraceful for them to do any useful manual work. They think that the only honorable work that they can do is as Sirkar servants. They do not care whether they are entertained in the Sirkar service as peons or as other menial servants. I believe, by giving them a training in spinning in schools, this false idea will be dispelled from their minds. It is in this aspect of the question that I support the motion.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I beg to support the motion brought by Mr. Madhava Variar. It is surprising to see the Director of Public Instruction coming forward and objecting to the introduction of the spinning wheel as a sort of manual training in vernacular schools so modestly advocated by Mr. Madhava Variar. The question of vocational training was the subject of discussion during the last budget session and many non-officials then urged the necessity for vocational training in one form or another. It is surprising to see that objection is still raised by the Director of Public Instruction to the introduction of a useful system of manual training.

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, I cannot hear him.

PRESIDENT: Please speak louder so that you may be heard.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I say that, during the last budget session, many of the non-officials raised the question that vocational training was not sufficiently encouraged in public schools. It is surprising to see the Director of Public Instruction again objecting to the proposal to introduce a useful subject of instruction in public schools. I find that the introduction of the spinning wheel is an accomplished fact in the neighbouring State of Cochin and no objection whatever in regard to the introduction of the spinning

wheel in schools seems to have been raised there. I do not think it necessary to pursue the discussion any further. I give my hearty support to the resolution.

MR. PAUL V. DANIEL (*Agastisvaram*): I too support the motion. But, in doing so, I think that the spinning wheel should be made only optional—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Louder, please.

MR. PAUL V. DANIEL (*Agastisvaram*):—and not compulsory. Once upon a time, spinning wheels existed in all the houses in Travancore, but of late they all ceased to exist. Now they are again coming into existence. Probably they ceased to exist because it was found that the industry was not a paying concern. But the fact that they have again come into existence slowly goes to show that in course of time they may become a paying concern. So I do not think that there is any objection in introducing it in schools as a subject of manual training and under the condition that the training will only be optional.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Sir, I find that there is almost a feeling of unanimity with regard to the introduction of spinning in vernacular schools. But the only serious objection to my resolution is an objection which is purely technical. That objection is that spinning is not a species of manual training. I admit that Mr. Hodgson is the greatest authority in manual training in this House. (*Hear, hear.*) And the advantages that will result from the introduction of manual training were clearly explained to this House and from his description of manual training I was able to understand that the introduction of spinning wheels also would serve the same purpose. But Mr. Hodgson himself admits that he is not an expert in spinning, nor does he know much of the spinning wheel. By his description of spinning as a mechanical turning of the wheels, we can more or less understand that he has not studied the question carefully and properly. So the principles with regard to manual training cannot be properly applied by Mr. Hodgson. Whether spinning is a species of manual training or not was clearly explained by Mr. K. Paramesvaran Pillai. I think the spinning wheel encourages accuracy, precision and nimbleness of the hand, and it also gives variety. I purposely used the words "species of manual training" in order to avoid that misapprehension. Mr. Hodgson himself said that the effect of my endeavour might be to retard general education in primary schools. In order to avoid that opinion also, I purposely used the words "species of manual training" so that it may not be understood that I am interfering with general education in our public schools. I think another controversy was raked up during the discussion, *viz.*, whether vocational education can be combined with general education. I refuse to be drawn into that controversy in connection with this proposition. Then the various aspects of the proposition were discussed and in the wording of the resolution I was not able to bring all these aspects. I entirely agree with many of the suggestions put forward by the members on this side of the House.

[Mr. L. C. Hodgson.]

Then some members referred to politics. I may say that, when I introduced this proposition, I did not have that in mind. It is entirely a domestic question, and if it is connected with some revolutionary movement outside, that should not prejudice us. I know that the *Bhagavad Gita* was proscribed as seditious during the time of the partition of Bengal. But that book is considered to be a sacred book by Hindus. If *charka* is considered to be seditious outside Travancore, how does it affect our domestic policy? With these words, I press this motion.

MR. L. C. HODGSON (*Director of Public Instruction*): Much has been said by many speakers on this subject and we have gone into several well-known questions and problems in connection with it. For example, there is a question into which Mr. Madhava Variar refused to enter, *viz.*, the question as to whether we can combine vocational and general education. Other members spoke on the subject and expressed the opinion that it was possible. For my own part, I must say, with what experience I have in the matter, that it is not possible satisfactorily to combine vocational and general education.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I draw the attention of Mr. Hodgson to my presence here? Some time ago it would appear that Mr. Hodgson seems to have been prevented from giving expression to something important on account of my absence.

MR. L. C. HODGSON (*Director of Public Instruction*): I said so, but I do not think it made any great difference. I was sorry he was not here. It is always a pleasure to see him.

With regard to that question, Sir, from what I have studied on the subject, I am convinced that it would not be proper to satisfactorily combine earning with learning. I can refer to a very high authority indeed in regard to the matter, *viz.*, the Imperial Conference held in London a year or two ago, in the report of which it is very clearly and definitely laid down that the conference was of opinion that the attempt to combine vocational education with general education was not satisfactory.

Another matter that has been mentioned is that the education at present in our schools is too literary. Sir, it is in order to avoid this that we have introduced manual training into these schools. I am sure Mr. Paramesvaran Pillai will not describe manual training as a literary subject. As I have said elsewhere, this remark against the literary nature of our education is not very much to be relied upon. We teach Mathematics, Physics, Chemistry, Botany, and Nature Study. These are not literary subjects. But let that pass.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether sewing and dress-making are not taught in girls' schools.

MR. L. C. HODGSON (*Director of Public Instruction*): Yes, certainly.

Another point raised by Mr. Paramesvaran Pillai was that of the unemployment of those people who pass through our schools and find it difficult to obtain any occupation. That, of course, is a very difficult problem. But, at the same time, so long as that is in demand, we ought to give education in our schools to the best of our ability.

Mr. Govinda Menon spoke of agriculture being a subject that is combined with school teaching. I acknowledge that it is taught in the vernacular middle schools, but I have myself frequently advocated the removal of that subject from the curriculum, and the Director of Agriculture, who is not here today, has told me that he has examined the subject and found that it is most unsatisfactory.

Mr. Kochukunju Pillai, in referring to subjects like rattaning pointed out that that was one of the subjects taught in schools. It was one of those experiments which did not succeed. A few years ago we attached classes for rattaning, weaving, coir-making and sugar-making with the object of combining vocational education with general education, but we found that it was not successful.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know the data upon which Mr. Hodgson bases the conclusion that vocational education cannot be successfully combined with elementary education?

Mr. L. C. HODGSON (*Director of Public Instruction*): It is based on the report of the chief examiner, Mr. Arunachalam Aiyar of the Public Works Department. It was found that sufficient time could not be given to these subjects. Either the industrial subject or general education was neglected.

I said this morning that I was of opinion that spinning does not supply proper facilities like manual training. I do not profess to be an expert in this matter. I have seen the *charka*. I have seen spinsing, and certainly to me it seems to be a matter of considerable simplicity and not one demanding very much concentration or very much skill. It does not require one possessing very much education. But if spinning is found to admit of sufficient variety and progressive development—advantages which are absolutely essential to form a branch of manual training—I would not have objected to it at all. I would go so far as to have the matter investigated by an expert who may be asked to advise us whether it can be incorporated along with the course in manual training that we have in our schools.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does Mr. Green know spinning?

MR. L. C. HODGSON (*Director of Public Instruction*): I do not know whether he knows it. But I think it might be possible that he might learn it. Mr. Green is not the only manual training expert in Travancore. There is also Mr. Kukilaya, his chief assistant, who, I should think, probably knows spinning.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Who is the senior expert in that branch of the department, Mr. Green or Mr. Kukilaya?

[Mr. M. R. Madhava Variar.]

MR. L. C. HODGSON (*Director of Public Instruction*): Mr. Green is the chief expert; but as regards this peculiarly Indian machine—if I may so call it—Mr. Kukilaya would be better able to know.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Director of Public Instruction be pleased to direct Mr. Green to see if spinning could be introduced in our schools?

MR. L. C. HODGSON (*Director of Public Instruction*): If, on the opinion of an expert—which I do not claim to be in this matter—spinning could be regarded as suitable to form a part of manual training, and if it makes for what I consider essential and necessary—variety and progressive advancement, then, I would withdraw my objection. I would suggest as a solution to the question that the matter might be referred to an expert. Meanwhile, the question may be dropped.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Director of Public Instruction be pleased to say whether he would ask Mr. Green to investigate the subject and give Government the benefit of his opinion?

PRESIDENT: Mr. Green is the chief expert in Travancore. He will be asked to investigate and report, I presume.

MR. L. C. HODGSON (*Director of Public Instruction*): Mr. Green is the chief manual training expert and if he makes an investigation in the matter and recommends it, I think there can be no objection in introducing it as one of the branches of manual training. Mr. Green is in favour of introducing local industries, as far as they will work with manual training. He says:

"In a pottery district, clay-modelling might be emphasised.

In a weaving district, extra weaving in paper, palmyrah, plantain, aloe fibre, etc., may be given in a variety of improved designs.

Bamboo, wicker work and basketry may be practised to a greater extent in localities where these particular industries exist.

Similarly, greater stress may be given to any of the educational occupations that correspond, to any extent, to the industries in the neighbourhood of the school."

Mr. Green might be able to come to a conclusion as to whether spinning can be introduced as a species of manual training. But I would not like to have this motion passed until we have got expert opinion as to whether that is possible or not. For my own part, I have my gravest doubts, as I said in the morning, whether it can form a species of what I consider to be manual training. I therefore oppose the resolution.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I press the motion.

The resolution was then put to the vote and carried, 28 voting *for* and 15 *against*.

Appointment of a Committee for the Improvement of Paddy Cultivation.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): Sir, I beg to move the following resolution:

"This Council recommends to the Government that a committee be appointed to consider the question of paddy cultivation in the State, to investigate the causes of failure of crops and to suggest methods by which both intensive and extensive cultivation may be improved."

Paddy is the staple article of food in this country. Its output is found insufficient to meet in full the demand of the population. We produce Rs. 7,15,49,000 worth of paddy which can support only 40 per cent. of the population. The quantity imported is worth Rs. 157 lakhs, which may support another 10 per cent. This leaves the remaining 50 per cent. of the people to live mainly on tapioca.

By the way, I may mention here that there is a report in the newspapers regarding a disease attacking tapioca in Central Travancore and that the people are afraid of using this disease-stricken article of food. This would mean that the 50 per cent. of the people depending upon this plant for their food are going, if the disease spreads, to starve or to be ill-fed on other stuffs.

The well-being of the subjects is the end and aim of every good Government and here in Travancore it depends upon paddy cultivation. The prime duty of the State is to find this staple article of food in sufficient quantity for the whole population and, if possible, to have the whole of it raised by cultivation in this land.

What have the Government done to make the State self-sufficient in this respect? In my representation on the subject at the 18th session of the Sri Mulam Popular Assembly, I discussed the subject in its various aspects, *i. e.*, (*a*) extensive cultivation by throwing open more lands which are fit for cultivation, by increasing irrigation facilities and by cultivation, every year, of the fields in Kuttanad which are now cultivated only once in two years, and (*b*) intensive cultivation, by making two ears of corn grow where only one was produced before, for which I suggested the improvement of agricultural implements, and affording facilities for producing and collecting green manure as also improved facilities in irrigation and transport.

I interpellated the Government through this Council regarding their attempts to improve the paddy cultivation of the country. In reply I was referred to three G. O's.—

(1) G. O. No. 1444/F. & M. R., dated 18th April, 1917.
(2) G. O. No. 930/L. R, dated 8th February, 1920.
(3) Dis. No. 1197 of 22/Revenue, dated 20th November, 1922.

The first G. O. declared that 2,099 acres of swampy land from reserve forests were to be auctioned away for cultivation and called upon the Conservator to cut ring boundaries around them.

The second G. O. relates to the appointment of committees to select swampy areas from reserved forests in certain taluks of the State.

[Mr. C. P. Kochukunju Pillai.]

The recent G. O. was the result of a conference of the Division Officers of the Revenue Department and the Director of Agriculture. It deals with certain off-hand suggestions made by those officers with regard to paddy cultivation.

I again interpellated the Government to state what steps were taken in pursuance of those three G. O's. In reply, a detailed statement was placed on the table during the last sitting of this Council.

From a perusal of the G. O's, and the statement in reply, to which I shall refer later on, it will be seen that no serious attempts have been made, nor any steady and continuous policy kept up, nor any well-considered scheme worked up to, by the Government in the matter of making the State self-sufficient by producing the whole quantity of rice required for consumption here. As the matter is brought up at the Assemly sessions or at the sittings of this Council some order is passed, and something is done or proposed to be done. What I urge is that the method of dealing with this all-important question is very inadequate, as it is a matter of life and death to the people.

In olden days, paddy cultivation was flourishing. But now I may be permitted to say that it is going down. The author of the Census Report states this on page 6:

"The steps that are generally taken to meet the demand for subsistence of a growing population are (*a*) the opening up of fresh lands for the cultivation of the staple article of food and (*b*) improving the out-turn of the soil by improved and scientific methods of cultivation. The decade under review is marked by considerable activity in both these directions."

He also states at the end of the paragraph:

"The available statistics indicates a slight fall in the yield of paddy per acre in the decade as compared with the yield in the previous one."

Then we can ask: "Is it to this fall in the yield that these improved methods and the improved manures lead?" The fall is explained in the report thus:

"The fall is apparently due to the extension of paddy cultivation to new soils lying on the economic margin and the *increasing* difficulty in procuring manure leaves on account of the opening up of the low country wooded areas for cultivation of tapioca, pepper, etc."

I know, Sir, by experience that the fertility of the paddy fields has gone down really and that the yield has much fallen from twenty fold to fifteen or even to ten fold or less in many cases.

The chief defects in the system of paddy cultivation of the country may be detailed here. (1) Lack of water conveniences stands very much in the way of cultivation of paddy; (2) minor irrigation works are very often neglected; and (3) head *chiras* and tanks which supplied water to the fields or *elas* have been registered away and in very many cases, the side-canals of many fields have become so deep that water cannot be easily lifted from them to the paddy fields.

In G. O. No. 930 of February, 1920, is found a proposal by the Director of Agriculture to appoint a special engineer to investigate fresh

possibilities of irrigation in the State, recommending a yearly allotment to be provided in the budget for the purpose. The Government, to make a beginning in the matter of the investigation into the condition of the irrigation sources in different parts of the State and to take steady and continued action for their restoration and upkeep, invited the views of the Chief Engineer. But, before getting a report from the Chief Engineer, the question of restoring the minor irrigation tanks of 3 or 4 taluks in South Travancore was taken up and considered by the Government, and they decided to get estimates prepared for the most urgent works in the taluks of Tovala, Agastisvaram and Kalkulam alone. And action is being taken only in accordance with the decision.

The deterioration in the fertility of the soil of paddy lands makes the yield fall every year. Difficulty in collecting and transporting green manure is much felt by the ryots. Woodland areas, from which manure was collected before, have been either registered away or reserved as forests. Trees are also wantonly cut down for export as fuel. How the ryots may be helped to grow manure-yielding plants was also discussed in the G. O. quoted above. The Director of Agriculture brought forward a proposal and the Government called for definite proposals. But nothing came out of it as yet. Paragraph 7 of the G. O. reads :

'The next question discussed was about the facilities to be afforded to the ryots for finding the leaf manure they required. The Director of Agriculture and Fisheries said that, if the Forest or the Revenue Department could place at his disposal a compact block of 200 acres of land, he would have the area planted up with green manure trees such as Vaka, Punna, etc., and in a few years' time the manure obtained therefrom would be sufficient for about 1,000 acres of land. Such demonstration work done by the deparfment would be followed up by the ryots themselves in course of time. The department can also extend the operations to more areas if the scheme is found to be productive of good results.

The Dewan Peishkar, Kottayam, suggested the Kanniakulum tank in South Travancore as suitable for the purpose. The Conservator of Forests agreed to find a suitable area for growing leaf manure.

The Acting Dewan Peishkar, Padmanabhapuram, also undertook to co-operate with the Director of Agriculture and Fisheries and see that some lands in his division are also placed at the latter's disposal.

The Chief Secretary to Government observed that there were several localities in the Southern Division suitable for growing green manure trees, especially in the uncommanded area above the Tovala channel.

Government consider that steps should be taken to plant on a fairly extensive scale green leaf manure yielding trees. The Director of Agriculture and Fisheries is requested to forward, in consultation with the Forest and Revenue Departments, definite proposals in the matter."

I will also read the reply. The Director seems to have changed his opinion thereafter :

"*The growth of leaf manure and the grant of facilities to the ryot.* Since the ryots themselves are fully aware, it was not necessary to have any large area cultivated for demonstrational purposes but it would be sufficient to experiment on 25 acres to begin with and to plant the seeds there."

This proposal has been sanctioned, but it has not yet been finally settled. The matter is under reference to the Director of Agriculture.

[Mr. C. P. Kochukunju Pillai.]

As the yield of the paddy field is becoming less and less every year, we are importing more and more quantities of rice every year. Facilities for cattle manure are not only not growing but are being reduced. As for scientific manures, our ryots are not able to purchase them as they are short of money. Even the seeds, they buy on credit for which they are charged high prices and heavy rates of interest. In the G. O. mentioned above, the granting of loans to the ryots in an easier way was proposed by the Director of Agriculture. But the proposal was not accepted.

Failure of crops owing to floods does not usually meet with the sympathy of the Government. In olden days, taxes were remitted when crops failed and bunds and *chiras* were speedily repaired soon after damage. Of course, I am aware that the present Government have done much in the case of damages owing to floods in Kallada and Neyyattinkara and we are very thankful to the Government. In such years of heavy floods, taxes have to be remitted in deserving cases and the breaches have to be immediately repaired. This may be avoided if the bunds are always kept in a satisfactory state of repair.

Paddy fields in or near towns and other places are converted into house sites and cocoanut topes. This is done in Kayankulam, Pallikkal and in many other towns. This has to be put a stop to.

Lastly, with regard to extension of cultivation, we are glad that action is being taken to find out swampy areas fit for paddy cultivation according to the representations made in the Assembly. These committees may be able to choose large areas for the same. But it may be said that in this matter also a fixed policy was not kept up, which is evidenced by the answer given to the first G. O. The G. O's. of 1917 and 1922 had to be passed on account of representations made in the Assembly regarding swampy areas, while the G. O. of 1920 was passed during war time when import of rice was found impossible and was based on certain off-hand suggestions made at the conference. It can therefore be seen that the question of paddy cultivation has not yet been considered by the Government thoroughly. Piecemeal dealing with each problem as it crops up is not at all sufficient.

Mr. Asquith, the Prime Minister of England some time back, and the leader of the Liberal Party, in a speech delivered recently, placed land policy and agriculture in the forefront of the programme of his party. Our Government also should place agriculture, and especially paddy cultivation, in the forefront of their programme, if they lay claim to having the best interests of the people at heart.

What is wanted is a comprehensive scheme drawn up after mature consideration of the whole question of paddy cultivation, by a committee, and its being worked up systematically.

So, Sir, it is only in the fitness of things that I move for a committee to be appointed to deal with this subject a—committee which

would help in laying out such a scheme as, if strictly adhered to and closely followed, would insure the prosperity of our people and would rid us of our indebtedness to Burma and other rice-producing countries.

I may briefly indicate the functions of the committee and close. The committee should study the whole question in its various aspects and bearings, investigate and find out the real causes of failure of crops in a general way and in particular localities and suggest methods by which both intensive and extensive cultivation of paddy may be carried on. The committee has to address itself to the question of fall in the yield per acre and it has to suggest the steps to be taken to conserve the fertility of the paddy fields and to increase such fertility when it is low or has deteriorated. The committee has to find out remedial measures and suggest how they may be applied in the case of paddy fields in the different parts of the State. The committee has to find out how far it is possible to increase the output of paddy from the existing fields and to what extent it is possible to increase the area under cultivation. It has also to suggest how the land policy can solve the unemployed middle class problem.

With these words, I commend this resolution to the acceptance of this Council.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): മിസ്റ്റർ കൊച്ചുകുഞ്ഞുപിള്ളയുടെ പ്രമേയത്തെ ഞാൻ ബലമായി പിൻതാങ്ങുന്നു. ഒരു കമ്മിററി അത്യാവശ്യമാണെന്നുള്ളതിനു പലേ കാരണങ്ങളും ഉള്ളതാണ്. ഈ രാജ്യത്തുള്ള പലേ താലൂക്കുകളിലും നെൽകൃഷിക്കുള്ള സൌകര്യങ്ങൾ പലമാതിരിയായിട്ടാണ് കാണുന്നത്. ചില താലൂക്കുകളിൽ കൃഷിയാവശ്യങ്ങൾക്കുള്ള വെള്ളം ചാനൽവഴി ദൂരസ്ഥലങ്ങളിൽനിന്നും കൊണ്ടുവരേണ്ടതായിരിക്കുന്നു. മററു ചില താലൂക്കുകളിൽ കുളങ്ങൾ വെട്ടിച്ചുകൊടുത്താൽ മതിയാകുന്നതാണ്. വേറെ ചില താലൂക്കുകളിൽ കിണറുകൾ കുഴിപ്പിച്ചുകൊടുക്കേണ്ടതായിവരും. ഏതാനും താലൂക്കുകളിൽ മലയോരങ്ങളിലുള്ള ഊററിനെ സംരക്ഷിച്ചാൽ മതിയാകുന്നതാണ്. അതുപോലെതന്നെ ചില താലൂക്കുകളിൽ പച്ചിലവളങ്ങൾ ധാരാളം കിട്ടുന്നതായിരിക്കും; മററുചില താലൂക്കുകളിൽ പച്ചിലവളത്തിനു സൌകര്യമില്ലാതെവരും. ഇങ്ങനെയുള്ള പലേ സംഗതികളേയും അറിഞ്ഞു പരിഹാരമാർഗ്ഗങ്ങൾ ഉണ്ടാക്കുന്നതിനു അങ്ങനെയുള്ള സ്ഥലങ്ങളെപ്പററി അറിയാവുന്ന മെമ്പർമാർ അടങ്ങിയതായ ഒരു കമ്മിററി വളരെ പ്രയോജനകരമായിതീരുന്നതാണ്. ഓരോ സ്ഥലങ്ങളുടേയും കാലദേശാവസ്ഥകളെ അറിഞ്ഞും അനുരൂപമായ പ്രതിവിധികളെ കണ്ടുപിടിച്ചും രാജ്യത്തിൽ നെൽകൃഷി വർദ്ധിപ്പിക്കുന്നതിനു സ്ഥിരമായ ഒരു നയത്തെ രൂപീകരിക്കാൻ സാധിക്കുന്നതാണ്.

[Mr. T. Kumara Pillai.]

നെൽകൃഷിയിലുള്ള വിളവു ക്രമേണ കുറഞ്ഞുവരുന്നതായി മിസ്റ്റർ കൊച്ചുകുഞ്ഞുപിള്ള പറഞ്ഞിട്ടുള്ള അഭിപ്രായത്തോടു ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഈ സംഗതിയിൽ ഡാക്ടർ കുഞ്ഞൻപിള്ളയുടെ അഭിപ്രായവ്യത്യാസമുള്ളതാണ്. ജനസംഖ്യക്കണക്കിനു നെല്ലിന്റെ വിളവു വർദ്ധിച്ചുവരുന്നില്ലെന്നും, വിദേശങ്ങളിൽ നിന്ന് അരിയും നെല്ലും ഇറക്കുമതി ചെയ്തുവരുന്ന സംഖ്യ ഓരോവർഷവും വർദ്ധിച്ചുവരുന്നതായും ഒരവസരത്തിൽ ഞാൻ കൌൺസിലിൽവച്ചു പ്രസ്താവിച്ചപ്പോൾ ആ അഭിപ്രായത്തെ അദ്ദേഹം എതിർക്കുകയാണ് ചെയ്തിട്ടുള്ളതു്. നെല്ലും അരിയും ഇറക്കുമതിചെയ്യുന്ന രൂപായുടെ സംഖ്യ അപരിമിതമായി വർദ്ധിച്ചുകാണുന്നത് അന്നത്തേയും ഇന്നത്തേയും വിലയിലുള്ള വർദ്ധനയെന്നാണ് അദ്ദേഹം പറയുന്നതു്. ആ അഭിപ്രായം ശരിയല്ലാത്തതാണ്. ഈ സംഗതി വേറൊരവസരത്തിൽ ബോദ്ധ്യമാക്കി കൊടുക്കാൻ സാധിക്കുമെന്നു ഞാൻ വിശ്വസിക്കുന്നു.

ഈ രാജ്യത്തിലെ ജനങ്ങൾക്കു മതിയാകത്തക്കവണ്ണം ഇവിടെ നെല്ലു വിളയിച്ചുണ്ടാക്കണമെങ്കിൽ രണ്ടു വഴികളാണുള്ളതു്. അതായതു് Intensive and extensive cultivation ഈ വഴികൾ, അതിൽ ഇപ്പോഴുള്ള ന്യൂനതകളെ പറ്റി പര്യാലോചിക്കാം. Intensive cultivation നു ഏറ്റവും പ്രധാനമായുള്ള ഉപകരണങ്ങൾ ജലസൌകര്യം, പച്ചിലവളം, കന്നുകാലിവളം ഇവയാണ്. ഇവിടത്തെ കൃഷിയ്ക്കുള്ള ജലസൌകര്യത്തെപ്പറ്റി നോക്കുന്നതായാൽ അതു് ഏറ്റവും പരിതാപകരമായ സ്ഥിതിയിലാണെന്നു പറയാൻ എനിക്കു മടിതോന്നുന്നില്ല. ൧൦൫൨-ൽ ദിവാൻ നാണുപിള്ള അവർകൾ ആ ഉദ്യോഗം കൈയേറ്റഉടനെ അദ്ദേഹത്തിന്റെ ശ്രദ്ധ ആദ്യമായി പതിഞ്ഞതു് ഈ രാജ്യത്തിലെ ജനങ്ങൾക്കു വേണ്ടതായ നെല്ലു മുഴുവനും ഇവിടത്തന്നെവിളയിച്ചുണ്ടാക്കുന്നതിലാണ്. അതിലേക്ക് ആണ്ടുതോറും മൈനർ ഇറിഗേഷൻ വേലകൾക്കു അനുവദിച്ചുവന്നിരുന്ന തുകകൾക്കു പുറമെ അദ്ദേഹത്തിന്റെ ഭരണകാലമായ മൂന്നുവർഷവും ഓരോലക്ഷം രൂപാവീതം അനുവദിച്ചുവന്നിരുന്നു. അതിൽപിന്നീടു മൈനർ ഇറിഗേഷൻ വേലകളിലുള്ള ചിലവു ക്രമേണ കുറഞ്ഞുകുറഞ്ഞു സമീപകാലത്തു് എത്തിയപ്പോൾ ഒരാണ്ടിൽ ൧൨,൫൦൦ രൂപായായിതീർന്നു. ആ ആണ്ടിലെ ബഡ്ജറ്റു പരിശോധിക്കുന്നതായാൽ മുസാവരി ബംഗ്ലാവുകളിലെ ചില്ലറ ജോലികൾക്കു ൧൨,൫൫൦ രൂപാ അനുവദിച്ചിരിക്കുന്നതായി കാണാവുന്നതാണ്. ഈ രണ്ടു വേലകൾക്കും അനുവദിച്ചിട്ടുള്ള തുകകൾക്കു് ൫൦ രൂപായുടെ വ്യത്യാസമാണു കാണുന്നതു്. ഈ രാജ്യത്തിൽ

കൃഷികൊണ്ടു കാലയാപനം ചെയ്തുവരുന്ന ഭൂരിപക്ഷം ആളുകളുടെ ഐശ്വര്യാഭിവൃദ്ധിക്ക് ഏററവും പ്രയോജനകരമായ മൈനർഇറിഗേഷൻ വേലകളിൽ ഗവർമ്മെൻറിൻെറ ശ്രദ്ധ ഇങ്ങനെ കുറഞ്ഞുവന്നത് കൃഷിക്കാരുടെ കൃഷിക്കും കൃഷിത്തൊഴിലിനും വലുതായ ദോഷത്തിന് ഇട യായിത്തീന്നു. അനേകകാലമായി മൈനർ ഇറിഗേഷൻ വേലകളെ മിക്കവാറും ഉപേക്ഷക്കാൻ ഇടയായതിൽ മുൻകാലത്തു ൫൦ രൂപ ചിലവാക്കി നന്നാക്കിക്കാവുന്ന കുളങ്ങൾക്ക് ഇപ്പോൾ ൧,൦൦൦-വും ൨,൦൦൦-വും രൂപാവീതം വേണ്ടതായി വന്നിരിക്കുന്നു. ചില കുളങ്ങളെ നന്നാക്കിക്കാൻ നിവൃത്തിയില്ലാത്തവിധം അവ നികന്നുപോയിരിക്കുന്നു. എന്നാൽ ഇന്നത്തെ ഗവർൺമെൻറ് ഈ സംഗതിയിൽ പ്രത്യേകം ശ്രദ്ധപതിപ്പിക്കയും ഇപ്പോൾ കൂടുതൽ രൂപാ ആണ്ടുതോറും അനുവദിച്ചു വരികയും ചെയ്യുന്നത് കൃഷിക്കാൎക്കു ഏററവും ആശ്വാസകരമായി തീൎന്നിരിക്കുന്നു.

പച്ചിലവളത്തെ സംബന്ധിച്ചു തെക്കൻതിരുവിതാംകൂറിലെ കൃഷിക്കാൎക്കാണ് കൂടുതലായ ബുദ്ധിമുട്ടുള്ളതു്. അതിനു പലേ കാരണങ്ങളും ഉള്ളതാണ്. കോതയാർവെള്ളം കൃഷിയ്ക്കായി കിട്ടിയതിൽപിന്നീട് ആദായകരമായ വൃക്ഷങ്ങളേയും, പച്ചിലവളത്തിനു നട്ടുവളൎത്തീട്ടുള്ള വൃക്ഷങ്ങളേയും മുറിച്ചു നശിപ്പിച്ചിട്ടാണ് പുതുനിലങ്ങൾ തിരുത്തീട്ടുള്ളതു്. പഴനിലങ്ങളുടെ ഉപയോഗത്തിനായി നട്ടുവളൎത്തീട്ടുള്ള വൃക്ഷങ്ങൾ മുറിച്ചുപോയതിനാൽ ഇപ്പോൾ പഴനിലങ്ങൾക്കും പുതുനിലങ്ങൾക്കും ആവശ്യമുള്ള പച്ചിലവളം വേറെ അന്വേഷിക്കേണ്ടതായി വന്നിരിക്കുന്നു. ഇതിലേക്ക് ഇപ്പോൾ സൎക്കാർവനങ്ങളെ ആശ്രയിക്കയല്ലാതെ ഗത്യന്തരമില്ലാത്തതാണ്. പച്ചിലവളം സൎക്കാർ വനങ്ങളിൽ നിന്നു കൊണ്ടുപോകുന്നതിനു ഒരു ഫീസുചുമത്തി അനുവദിച്ചിട്ടുണ്ടു്. കൃഷികാലങ്ങളിൽ വനങ്ങളിൽനിന്നു പച്ചിലവളങ്ങൾകൊണ്ടു പോകുന്നതിനു പാസ്സുവാങ്ങുന്നതിനും, അങ്ങനെ കൊണ്ടുവരുന്ന പച്ചിലവളത്തിനു ഫാറസ്റ്റ്ഡിപ്പാൎട്ടുമെൻറിലെ കീഴ്സിൽബന്തികളിൽനിന്നുണ്ടാകുന്ന ഉപദ്രവങ്ങളെ എതിൎത്തുനില്ക്കുന്നതിനും അവൎക്കു സാധിക്കുന്നതല്ല. ഈ സ്ഥിതികൾകൊണ്ടു കൃഷിക്ക് അവശ്യം വേണ്ടതായ പച്ചിലവളം ഉപയോഗിക്കാതെ കൃഷിചെയ്കയും വിളവുകൾ കുറഞ്ഞുപോകയും ചെയ്യുന്നതു സാധാരണമാണ്. കൃഷിക്കായി നട്ടുവളൎത്തീട്ടുള്ള വൃക്ഷങ്ങളെ വിറകിനായി മുറിച്ചു നശിപ്പിക്കുന്നതിനാൽ ആ വഴിയിലും കൃഷിക്കു പച്ചിലവളങ്ങൾ കുറഞ്ഞുപോകുന്നു. ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന

[Mr. T. Kumara Pillai.]

ഫ്രീപാസ്സ് റൂംസിൻപ്രകാരം സ്വന്ത പുരയിടങ്ങളിൽനിന്നും സ്വന്ത ആവശ്യങ്ങൾക്ക വിറകുമുറിച്ചു റോഡു കടത്തിക്കൊണ്ടുവരുവാൻ നിവൃത്തിയില്ലാതിരിക്കുന്നു. ജനങ്ങൾക്ക് എന്തെല്ലാമുണ്ടായിരുന്നാലും, അവക്ക് എത്രതന്നെ പണമുണ്ടായിരുന്നാലും, ഭക്ഷണസാധനങ്ങൾ പാകം ചെയ്യുന്നതിനു വിറകില്ലാതെ നിവൃത്തിയില്ലാത്തതാണ്. വേലചെയ്തു പണമുണ്ടാക്കി ആ പണംകൊണ്ടു വാങ്ങിട്ടുള്ള വസ്തുക്കളിൽനിന്ന് ആവശ്യംപോലെ വിറകുമുറിച്ചു കൊണ്ടുവരുവാൻ നിയമം തടഞ്ഞിരിക്കുമ്പോൾ വീട്ടിനു സമീപമുള്ളതും പച്ചിലവളത്തിനു ഉപയോഗിച്ചുവരുന്നതുമായവൃക്ഷങ്ങളെ വിറകിനായി മുറിച്ച് ഉപയോഗിച്ചുപോകുന്നതു സഹജമാണ്. ഇങ്ങനെ കൃഷിക്കു പ്രതിബന്ധമായി നിൽക്കുന്ന സംഗതികളെ കണ്ടുപിടിച്ചു പരിഹരിക്കാതിരിക്കുന്ന കാലത്തോളം കൃഷിയിലുള്ള വിളവു കുറഞ്ഞുവരാതെ നിവൃത്തിയില്ലാത്തതാണ്.

നെൽകൃഷിക്ക് എത്രയോ പ്രധാനമായിട്ടുള്ള കന്നുകാലികളുടെ വളം ഓരോവർഷവും കുറഞ്ഞുവരികയാണ് ചെയ്യുന്നത്. മുൻകാലങ്ങളിൽ പലേ കൃഷിക്കാരും കന്നുകാലി വളർത്തൽ ഒരു തൊഴിലായി സ്വീകരിച്ചുനടത്തിപ്പോന്നിരുന്നു. ഈ തൊഴിൽ ഇപ്പോൾ നാമാവശേഷമായിത്തീർന്നിരിക്കുന്നു. കന്നുകാലികളെ വളർത്തിവന്നിരുന്ന തൊഴിൽ നിന്നുപോകുന്നതിനും കൃഷിക്കു കന്നുകാലിവളം കുറഞ്ഞുപോകുന്നതിനും, ഇടയായിട്ടുള്ളതു മേച്ചിൽസ്ഥലങ്ങളുടെ കുറവുകൊണ്ടാണ്. മേച്ചിൽ സ്ഥലങ്ങളുടെ അത്യാവശ്യകതയെപ്പററി ശ്രീമൂലംപ്രജാസഭ തുടങ്ങിയ കാലം മുതൽ അതായതു് കഴിഞ്ഞ പത്തൊൻപതു വർഷങ്ങളായി, ഗവർൺമെൻറിനെ അറിയിച്ചുകൊണ്ടിരിക്കുന്നുണ്ട്. ഈ സംഗതിയെപ്പററി പറഞ്ഞിട്ടുള്ള എല്ലാ അവസരങ്ങളിലും അനുകൂലമായ മറുപടികൾ പറകയും, അനുകൂലമായ എഴുത്തുകുത്തുകൾ ഹജൂർആഫീസിലും, ഡിവിഷൻ ആഫീസുകളിലും, താലൂക്കാഫീസുകളിലും കിടപ്പുള്ളതുമാണ്. എന്നിരുന്നിട്ടും കന്നുകാലികൾക്ക് അനുരൂപമായി ഉപയോഗപ്പെടുന്ന മേച്ചിൽസ്ഥലങ്ങളെ പതിച്ചുകിട്ടാൻ അപേക്ഷകൾ വരുമ്പോൾ ഈ പ്രധാനസംഗതിയെ ഗണിക്കാതെയും തൽകാലം ഭൂനികുതിയെ വർദ്ധിപ്പിച്ചു കാണിക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടിയും അവയെ പതിച്ചുകൊടുക്കയാണ് ചെയ്തിട്ടുള്ളതു്. മേച്ചിൽസ്ഥലങ്ങളെ സംബന്ധിച്ചു നാഞ്ചിനാട്ടിലേയും, ഇടനാട്ടിലേയും സ്ഥിതി ഏററവും പരിതാപകരമായിത്തീർന്നിരിക്കുന്നു. അവിടെ കൃഷിക്കായി ഉപയോഗിച്ചുവരുന്ന കന്നുകാലികളുടെ

രണം ആണ്ടുതോറും വദ്ധിച്ചുവരികയാണ് ചെയ്യുന്നത്. ആരുവാമൊഴിയിലെ ചുങ്കസ്ഥലത്തു ഏർപ്പാടുചെയ്ത് ആണ്ടുതോറും കൃഷികാര്യങ്ങൾക്കായി പുറമേനിന്നും വരുന്ന കന്നുകാലികൾക്ക് ഒരു കണക്കെടുക്കുന്നപക്ഷം ഈ സംഗതിയിൽ അവിടത്തെ കൃഷിക്കാർ അനുഭവിച്ചുവരുന്ന നഷ്ടം ബോധ്യപ്പെടുന്നതാണ്. മിസ്റ്റർ ചിദംബരതാണുപിള്ള നാഞ്ചനാട്ടിൽ ഒരു വലിയ കൃഷിക്കാരനാണ്. അദ്ദേഹത്തിന്റെ കൃഷിനടത്തുന്നതിന് ആണ്ടുതോറും കന്നുകാലികൾക്കായി എത്രരൂപ ചിലവാക്കി വരുന്നു എന്നുള്ളതു് അദ്ദേഹത്തോടു ചോദിച്ചാൽ അറിയാവുന്നതാണ്. മേച്ചിൽ സ്ഥലങ്ങൾക്ക് ഇങ്ങനെ വന്നുപോയിട്ടുള്ള ദോഷത്തെ പരിഹരിക്കാൻ ഗവർൺമെന്റിനു സാധിക്കുമെന്നു തോന്നുന്നില്ല. ഇതിൽ എനിക്കുപറവാനുള്ളതു മേച്ചിൽസ്ഥലങ്ങൾക്കു സൌകര്യമായുള്ള സ്ഥലങ്ങളെ ഇനി മേലെങ്കിലും പതിച്ചു കൊടുക്കാതിരിക്കണമെന്നാണ്.

ഇനി extensive cultivation -നെ പററിയാണ് രണ്ടു വാക്കു പറയാനുള്ളതു്. ഇവിടെയുള്ള ജനങ്ങളുടെ ആവശ്യങ്ങൾക്കു മതിയാകത്തക്കവണ്ണം ഇവിടെ തന്നെ ആഹാരസാധനങ്ങൾ വിളയിച്ചുണ്ടാക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി സക്കാർ ഭൂമികളെ യഥേഷ്ടം ജനങ്ങൾക്കു പതിച്ചുകൊടുക്കുന്നു. ആ ഉദ്ദേശത്തോടുകൂടിത്തന്നെ റിസർവ് വനങ്ങളിൽനിന്നും കൃഷിക്കു ഉപയുക്തമായ സ്ഥലങ്ങളെ ജനങ്ങൾക്കു പതിച്ചുകൊടുത്തു തുടങ്ങിയിരിക്കുന്നു. വീണ്ടും അതുപോലെയുള്ള ഭൂമികളെ വനങ്ങളിൽനിന്നും കണ്ടുപിടിക്കുന്നതിന് ഉദ്യോഗസ്ഥാനുദ്യോഗസ്ഥന്മാർ അടങ്ങിയതായ കമ്മററി വേലചെയ്തുവരുന്നു. ഇപ്പോൾ പുതുവൽ പതിച്ചുവരുന്ന സമ്പ്രദായംകൊണ്ടു ഗവർണ്മെന്റിന്റെ ഉദ്ദേശം സാധിച്ചുകിട്ടുമെന്നു തോന്നുന്നില്ല. ഓരോരുത്തക്കു ൧൦൦൦-ം ൫,൦൦൦-ം ഏക്കർവീതം ഭൂമികൾ പതിച്ചുകൊടുക്കയും അവർ അതിൽനിന്ന് ആദായകരങ്ങളായ തടികളും വിറകും മാററിയതിൽപിന്നീടു ആ ഭൂമിയെ കൃഷിചെയ്യാതെ ഇട്ടുകളയുകയും ചെയ്യുന്നതിനാൽ രാജ്യത്തിൽ ആഹാരസാധനങ്ങളെ വദ്ധിപ്പിക്കുന്ന സംഗതിക്ക് വലുതായ ദോഷം വരുന്നതാണ്. ഭൂമികൾ കൂടുതലായി ഒരാൾക്കു ഒന്നായി ഒരിക്കലും പതിച്ചുകൊടുക്കാൻ പാടില്ലാത്തതാണ്. ഭൂമികൾ ചില്ലറയായി പതിച്ചുകൊടുക്കുന്ന സംഗതിയിലും ആ ഭൂമിയെ അനുരൂപമായ വിധം കൃഷിചെയ്വാൻ നിർബന്ധിക്കുന്നതായ നിയമമോ പുതുവൽ പതിച്ചുകൊടുക്കുമ്പോൾ കരാറോ ഉണ്ടായിരിക്കേണ്ടതാണ്. ഇപ്പോൾ ഭൂമികൾ പുതുവൽ പതിച്ചുകൊടുത്തുവരുന്ന സമ്പ്രദായത്തിൽ പണക്കാക്കു ഭൂമികൾ കിട്ടുന്നു; എന്നുമാത്രമല്ല കൃഷിചെയ്യുന്നവക്കും കൃഷിചെയ്യാവുന്നവക്കും ഭൂമികൾ കിട്ടാതെ വരുന്നു; എന്നുതന്നെയല്ല, പല

[Mr. T. K. Velu Pillai.]

അവസരങ്ങളിലും പല മാതിരി വക്കാലത്തുകൾ പറഞ്ഞു സാധുക്കൾക്കു ഭൂമി ഉണ്ടാക്കികൊടുക്കുന്നവർ തന്നെ അധികം താമസിയാതെ അവ അവരോടു എഴുതിവാങ്ങി കൂടുതൽ തുകയുള്ള അവരുടെ ഭൂമികളോടു ചേർക്കയാണ് ചെയ്തുവരുന്നത്. ഇങ്ങനെയുള്ള അനീതികളെ പരിഹരിച്ചു കൃഷിചെയ്യാവുന്നവർക്കു ഭൂമിയുണ്ടാക്കികൊടുക്കത്തക്കവണ്ണം ശരിയായ വ്യവസ്ഥകൾ ചെയ്യേണ്ട കാലം അതിക്രമിച്ചിരിക്കുന്നു. ഇങ്ങനെയുള്ള പല സംഗതികളെയും പററി വേണ്ട അന്വേഷണങ്ങൾ നടത്തി റിപ്പോർട്ടുചെയ്യുന്നതിന് ഒരു കമ്മററി ഉണ്ടായിരിക്കേണ്ടതു അത്യാവശ്യമെന്നാണ് എനിക്കു അഭിപ്രായമുള്ളത്. അതിനാൽ ഈ പ്രമേയത്തെ ഞാൻ ഹാർദ്ദമായി പിൻതാങ്ങുന്നു.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I wish to give my support to the resolution. The difficulties of obtaining manure and fuel have been pointed out by the previous speakers. Manure, in most parts of Travancore, is nothing more than a word. There is neither green manure nor cattle manure and the people have not got the wherewithal to buy the scientific manure imported for sale by the Agricultural Department. I do not forget the assistance the Government are prepared to give them under the new Agricultural Loans Regulation. All the same, people are not sufficiently benefited by that Regulation. All manure trees have been cut down and, more than that, I know from experience in the country that ordinary trees like the jack and mango are felled for the purpose of fuel. Jack is cut also for selling timber. Formerly, Sir, people in Travancore took great care in planting mango trees. Now-a-days it has gone out of fashion and in about 20 or 30 years a Travancorean may not be able to say what a mango is like. (*Laughter.*) The difficulty of getting fuel ought, therefore, to be removed. If I say that the Forest Department should supply the fuel necessary for the people, it may be said that it is not the function of the Forest Department. But, if there are valueless trees in the forests, they can be cut down and brought to inhabited areas, so that the population may take advantage of that supply. I do not see any reason why, because theories do not favour that, the department should not concern themselves with it. If people are favoured in this matter, jack trees, mango trees and other trees will not be cut down indiscriminately.

The filling up of fields has been alluded to by me when I was speaking on a former resolution. We find, Sir, in Travancore that wet cultivation creates loss and dry cultivation brings profit. The landless man is the master of the day, if he has no wet land. He takes a *pattam* from somebody or other, works well and grows rich. He has not got so much obstacle for dry cultivation as the man who pursues wet cultivation. The man who goes in quest of garden cultivation

makes money, whereas the proverbial difficulties of the paddy cultivator are only on the increase. It is because, when new lands on a higher level are brought under cultivation, the first shower takes a good quantity of earth and fills up the paddy fields. Go to Neyyattinkara, Nedumangad or any other taluk and you will find that what I am saying is absolutely true. I am speaking from personal experience. You find that whole families, people who have been in possession of lands for a long time, are not able to make both ends meet, because the cultivation of higher slopes has made it impossible for them to cultivate these lands with profit, and because there are not means of preventing water-borne earth from filling up the paddy fields.

I wish to say one word with regard to *puduval* lands. I agree wholly with Mr. Kumara Pillai. *Puduval* registry has been a favourite subject with the Government because of the *taravila* it brings in. I know several persons who have got lands registered. I am myself one of those who thought at one time that the possession of large areas of land would be an advantage. But people have learnt the difficulties. There are other friends also in this Council who have got lands and they would recollect the facts about *puduval* registry. All these *puduvals* are more or less millstones round their neck. When they take up *puduvals*, some of them pursue the 'dog in the manger policy.' I am not for having a law prohibiting all *puduval* registry; but I am for a law that, if a man who has got an extensive plot of land registered in his name under certain terms, and if he does not act up to his tacit promise to cultivate it, the Government should take action and get him to surrender the land which is unused. So that, in regard to registry a modification is necessary. When this is done, people will not allow lands to remain barren. A man who has lands must cultivate them; otherwise he will have to surrender them. There are other questions to be gone into by the committee suggested by Mr. Kochukunju Pillai. There are, in Travancore, a number of people who know about these matters and, if necessary, while maintaining that ordinarily the people of Travancore should be able to see what is best for them, I would even go so far as to say that the services of an eminent scientist from outside may also be requisitioned to sit along with Travancoreans on that committee to give it the benefit of his experiences in places outside Travancore. It will be an eye-opener to the Travancoreans. I do not for one moment say that we should unhesitatingly accept such a policy. That is a matter in which expert advice may be useful and experience of other countries may be known. Therefore, Sir, I am in full sympathy with the resolution so ably moved by Mr. Kochukunju Pillai.

MR. A. HOOGEWERF (*Nominated*): Sir, agriculture is the mainstay of the people. I congratulate Mr. Kochukunju Pillai for putting his case so clearly before the House for the appointment of a committee. The story related by him of the several G. O's. that have been issued on the subject—

[MR. A. Hoogewerf.]

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I cannot hear. I did not hear the story. Could we hear it again? (*Laughter.*)

PRESIDENT: It is not his fault.

MR. A. HOOGEWERF (*Nominated*): I did not hear what Mr. Robinson said. The story related by Mr. Kochukunju Pillai about Government orders is a sad story to listen to. We have a plethora of officers, and very competent officers too. Dr. Kunjan Pillai is a very capable officer. He is held in very high esteem in Travancore—in fact, in higher esteem outside than he is in Travancore. We have other officers who have had European training. Piecemeal efforts have been made to improve our agricultural conditions. But we have not made much headway with the corresponding increase of officers. According to Mr. Kochukunju Pillai's story, there has not been a corresponding increase in the output of paddy crops. We have been having too many irons in the fire, making experiments on this, that, and on everything else, and leaving things more or less in the same way after some stage of the experiment. It is a sad commentary on our officers—I mean, the officers of the Agricultural Department and the Government also—to see ship-loads of paddy being landed year after year in our ports of Trivandrum, Quilon and Alleppey. This paddy comes from Burma and other places outside our State. Many waggons are also coming in by train. No doubt it feeds the Trivandrum railway. But that is a very small matter.

Mr. Kochukunju Pillai said something about tapioca cultivation also being attacked by germs. That is indeed sad. I hope the Agricultural Department will undertake the remedy if it has not already taken it up. That department must make our country self-contained in the matter of paddy. We must have our own rice and we must have our own salt also. And it would appear that there is sufficient scope in the country for making both self-contained. The problem of unemployment also would be directly or indirectly solved. What a deal of labour would go to the country when all our paddy is cultivated here! Thousands and thousands of labourers would be in the field cultivating paddy, and in the salt pans manufacturing salt. I am not enamoured of the policy of appointing committees. But here is a case where a committee is absolutely necessary. It is not a piecemeal business that has to be done. The whole question must be solved with a large outlook. There has been a good deal of talk. We have been accused of being chatter boxes. A lot of gas has been given out. The time for talk has passed and the time for action has come. Our officers must concentrate all their attention on this all-important question. They must gird up their loins and put their hands to the plough (*laughter*) and thus bring about the consummation so devoutly to be wished, for which Mr. Kochukunju Pillai has asked for the appointment of a committee.

Mr. T. LAKSHMANA PILLAI (*Nominated*): I wish to know whether the Agricultural Department is not concerned with these, and why a separate committee is necessary.

Mr. A. HOOGEWERF (*Nominated*): I just asked the Agricultural Department to gird up their loins and put their hands to the plough.

The House rose at 5-12 P. M. to meet again at 11-30 on the next day.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

Friday the 18th January, 1924.

(OFFICIAL REPORT.)

The Council re-assembled in the Victoria Jubilee Town Hall at Eleven thirty-eight of the Clock with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Arrangement of Graduate Teachers in the Civil List.

137. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : Will the Government be pleased to state :

(*a*) the principle followed in ranking second grade graduate teachers in the *Civil List*; and

(*b*) whether this rank is taken into consideration in promoting them to the higher grade?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) :

(*a*) The rank has been fixed according to the date of confirmation in the *cadre* of the provincial staff of male teachers.

(*b*) Rank is also considered.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : Will the Government be pleased to state what they mean by the term 'provincial staff'?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) : The provincial staff consists of graduate teachers in the English and Vernacular School Departments.

G. P. T. 2287. 310. 2-4-24.

[Mr. M. R. Madhava Variar.]

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether there is any other kind of staff of male teachers?

PRESIDENT: There are non-graduate male teachers.

Poppy Cultivation in Travancore.

138. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to state whether the soil of Travancore is congenial to the cultivation of the poppy plant?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Director of Agriculture has reported that poppy can be grown in Travancore.

Rules re. Government Contracts.

139. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Will the Government be pleased to state whether they have framed any rules in regard to Government contracts?

(*b*) Are the Government aware that certain officers sometimes refuse to accept the lowest tenders even when proper security is forthcoming?

(*c*) Will the Government be pleased to state whether they will associate non-officials with the work of accepting or rejecting tenders?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) It is not possible to answer this question fully in the absence of information as to the kind of contracts referred to. There are rules governing contracts relating to certain departments.

(*b*) The lowest tenders are sometimes not accepted. Security is not the only consideration in the acceptance of tenders.

(*c*) The answer is in the negative.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know what the 'considerations' which weigh with the Government in the acceptance of tenders are?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Besides what is mentioned in the answer to the interpellation?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Yes. I find that sometimes the lowest tenders are not accepted. So I put the question.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The contractor's solvency, his experience in carrying out similar contracts, his ability to carry out the contract within a stipulated time—these are some of the considerations.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether there are any rules governing the contracts relating to the Excise Department?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There are two sets of rules, *viz.*, rules relating to contracts in the Public Works Department and those relating to contracts in other departments.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Not with respect to the Excise Department?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

The contracts in the Excise Department will come under the latter rules.

Prosecution of Police Officers.

140. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to state:

(*a*) the number of applications received by them for sanction to prosecute police officers in 1098;

(*b*) the number of cases in which departmental enquiry was held;

(*c*) the number of cases in which sanction was given for prosecution; and

(*d*) the number of police officers prosecuted?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) 2.
(*b*) 2.
(*c*) *Nil.*
(*d*) *Nil.*

Delay in the Disbursement of Salaries to Vernacular School Teachers.

141. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Are the Government aware that vernacular school teachers are not paid their salaries punctually owing to the delay in the sanction of proposition statements and the difficulties of departmental routine?

(*b*) Will the Government be pleased to remove their grievance in this respect?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes.
(*b*) The matter is under examination.

Lands available for Registry to Depressed Classes.

142. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to notify in the *Gazette* the area of *puduval* and *poramboke* lands in each taluk available for registry to members of the depressed classes?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): G. O. No. 1464 of 21/Revenue, dated the 30th September, 1921, makes

[Mr. R. Krishna Pillai.]

provision for copies of lists of lands earmarked for assignment to members of the depressed classes being hung up conspicuously in the taluk and village offices and for similar copies being furnished free on demand to the leaders of the depressed communities concerned. At the commencement of every year the lands registered in the previous year will be deleted from the lists, the lands resumed under paragraph 27 of the revised *puduval* rules will be added to the lists, and the revised lists prepared will be similarly hung up in the taluk and village offices. In the circumstances, Government do not see the necessity for publishing the information in the *Gazette*.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether the Government have issued any instructions as to the number of acres of land that should be registered in the names of the members of the depressed classes in each taluk?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No such instructions have been issued.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Have the Government got any complaint with regard to the apathy of the Tahsildars in regard to the registry of lands in favour of the depressed classes?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No complaint has been received so far as I know.

Statistics of referred Criminal Cases.

143. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to give a statement showing the number of cases referred to the police by the magistracy and the number referred as false to the magistracy by the police in 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

Number of cases referred to the police by the magistracy	... 464
Number referred as false	... 341

Conversion of Ozhukinasseri Satram into a School.

144. MR. PAUL V. DANIEL (*Agastisvaram*): (*a*) Will the Government be pleased to state whether there is a proposal to convert the Ozhukinasseri satram into a vernacular school?

(*b*) If so, will the Government be pleased to veto the proposal, in view of the fact that the said satram is the only one available in Nagercoil for all classes of people and is very largely used by travellers?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) There is no proposal before the Government to convert the Ozhukinasseri satram into a vernacular school.

(*b*) This does not arise, in view of the answer to part (*a*).

Representation of Sambavars in the Popular Assembly.

145. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether any member belonging to the Sambavar community has been nominated to the Sri Mulam Popular Assembly in 1099;

(*b*) whether a Sambavar gentleman was not being nominated for the last many years to the Assembly; and

(*c*) if no Sambavar has been nominated this year, what the reason is for withholding the privilege from the community this year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) No.
(*b*) One was being nominated during some years.
(*c*) There is no hard and fast rule on the subject.

Transfer of Executive Engineers.

146. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to state whether they propose to order a general transfer of Executive Engineers in Makaram, 1099?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government do not contemplate any such general transfer in Makaram, 1099.

Shifting of Agastisvaram Taluk Cutcherry to Nagercoil.

147. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to shift the Agastisvaram Taluk Cutcherry from the present Cutcherry building at Edalakkudi to any convenient building at Nagercoil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Government will look into the matter.

Points of Reference to the Excise Committee.

148. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to refer to the Excise Committee the suggestions of some members of the Legislative Council to amalgamate the Salt Factories and the Nagercoil Excise Division and to abolish the present Alleppey Excise Division?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The committee has been appointed for the purpose of considering the proposals submitted by the Excise Commissioner for the promotion of temperance. Government do not consider it necessary to refer other questions to the committee.

Mr. K. Srinivasa Rao's Claims for Promotion as Division Assistant.

149. MR. PAUL V. DANIEL (*Agastisvaram*): (*a*) Is it a fact that Mr. K. Srinivasa Rao B. A., *sub. pro tem.* Devaswom Assistant Commissioner, has acted as a Division Assistant and First Class Magistrate for more than one year previous to the Devaswom reorganisation?

[President.]

(*b*) Is it proposed to supersede Mr. Srinivasa Rao in filling the vacancy caused by the retirement of Mr. P. P. Kurien B. A., Division Assistant, Perumpavur?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) No.

Change of Railway Timings.

150. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): (*a*) Are the Government aware that two motor buses are running four times daily between Quilon and Trivandrum carrying on an average one hundred passengers who pay a charge of Re. 1 per head?

(*b*) Will it not be possible for the Government to negotiate with the railway authorities to change the timings of the first or the second shuttle train from Quilon to about 9 A. M., so that passengers arriving at Quilon by steam boats might take train to Trivandrum rather than travel in buses, and thereby increase the railway revenue?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) There is a motor service between Quilon and Trivandrum.

(*b*) The attention of the railway authorities will be drawn to the suggestion.

Extension of Service to Mr. R. Viraraghava Aiyangar.

151. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to give an assurance that they will not give any extension of service to Rao Bahadur R. Viraraghava Aiyangar, Chief Justice?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Government are unable to give any kind of assurance.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state why they are unable to give an assurance in the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): For the obvious reason that the appointment of the Chief Justice is one of the two appointments made direct by His Highness the Maha Raja.

MR. M. N. PILLAI (*Trivandrum*): Has he applied for any extension?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That does not arise.

MR. M. N. PILLAI (*Trivandrum*): Do the Government propose to give an extension to him?

PRESIDENT: That has already been answered.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether he has applied for extension.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I doubt whether it is a supplementary question.

PRESIDENT: I think it is.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Then my answer is that he has not applied.

MR. S. PARAMESVARA AIYAR (*Secretary to the Legislative Council*): Question No. 181 (*152*).

MR. M. N. PILLAI (*Trivandrum*): I have not finished; I want to ask another question.

In case extension is not given to the Chief Justice, do the Government intend importing an outsider?

PRESIDENT: That does not arise.

Law Officers of Government.

152. MR. M. N. PILLAI (*Trivandrum*): Are the Government aware that there is a strong feeling in the country because the Head Sirkar Vakil, the Additional Head Sirkar Vakil, and their Assistants, all belong to one community?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Government are not aware.

MR. M. N. PILLAI (*Trivandrum*): If the Government are not aware, let me assure them that there is a strong feeling in the country.

PRESIDENT: That is not a question. (*Laughter.*)

MR. M. N. PILLAI (*Trivandrum*): Are the Government aware that all the above-mentioned officers belong to one community?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is implied in the question itself.

MR. M. N. PILLAI (*Trivandrum*): Do they not see that it is a matter of injustice done to other communities?

PRESIDENT: I am afraid that question must be disallowed, because it carries an insinuation with it.

Non-Brahmin Hindu Officers and the Education Department.

153. MR. M. N. PILLAI (*Trivandrum*): Are the Government aware that for some years past Nair and other non-Brahmin Hindu officers have not been receiving adequate encouragement in the Education Department?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

Purchase of Foreign Articles for Government Use.

154. MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Will the Government be pleased to furnish a statement of the quantity of foreign articles purchased from India and outside, for the use of the various departments of the State, together with the total amount spent by each department for the purchase thereof?

[Mr. R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government are unable to furnish an answer as the period for which the information is required has not been specified.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to furnish an answer if the question relates to the year 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; but not immediately, because the necessary information has to be called for.

Opium Monopoly.

155. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to give a statement showing:

(*a*) the amount of money spent by the Government for the purchase of opium from Madras;

(*b*) the price of opium and the duty paid thereon;

(*c*) the duty levied in Travancore; and

(*d*) the duty derived by the Government from this transaction?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The amount depends upon the price fixed by the Madras Government for opium from time to time.

(*b*) This Government now gets opium from Madras at Bh. Rs. 70 per seer, which is made up of Rs. 23, being the cost price, and Rs. 47, being the duty charged by the Madras Government.

(*c*) and (*d*) No duty is levied on opium in Travancore. But opium is sold to the licensed shopkeepers at Rs. 2 per seer more than the price paid to the British Government. The excess of Rs. 2 covers transport and other incidental charges.

Expenditure on British Empire Exhibition.

156. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to state what sum has hitherto been spent for the British Empire Exhibition by the Travancore Government and how many rupees more the Government intend to spend on that behalf?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A sum of Rs. 41,739 has been spent on account of the British Empire Exhibition till the end of Dhanu, 1099. Rs. 43,181 more will be required during this year.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether the Government contemplate spending any more money next year on this account?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No definite answer can be given now.

Ayurveda Pharmacy.

157. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Will the Government be pleased to state whether the audit report on the Ayurveda Pharmacy has been considered by them and whether orders have been passed thereon?

(*b*) Will the Government be pleased to place the said report on the table?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The report is still under consideration and final orders have not yet been issued.

(*b*) The question will be considered when final orders are issued.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know for how long this matter has been pending with the Government now?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): For about seven months.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know when we may expect final orders to be passed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Final orders will be passed as early as possible. (*Laughter.*)

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is very vague. May I know approximately what further time the Government will take for passing orders?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not think it will take more than a month.

Prohibition of Ezhava Processions at Alleppey.

158. MR. N. KUMARAN (*Nominated*): (*a*) Have the Government received any memorial from the Ezhavas of Alleppey praying for permission to take their processions through the public roads on either side of the Commercial Canal?

(*b*) If so, will the Government be pleased to pass early orders removing the prohibition and enabling the memorialists to take their processions through the streets in question?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) and (*b*) A memorial on the subject was received from the Ezhavas of Alleppey on the 18th August, 1920. It was referred to the District Magistrate, Quilon, and as he was against granting the prayer of the memorialists, the memorial was recorded on the 14th June, 1921. Government will re-examine the question.

Preference to Nanjanad Vellala Women in Girls' Schools.

159. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to issue instructions to the authorities concerned to give preferential consideration to the women applicants of the Nanjanad Vellala community, when filling vacancies in the Girls' School branch of the Education Department?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

Mr. Van Ross's Case.

160. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):
(*a*) Will the Government be pleased to state whether, in the present Van Ross-Poti case, they propose to meet the cost of Mr. Van Ross?

(*b*) If so, what are the reasons for doing so?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Government have engaged a vakil to conduct the prosecution.

(*b*) The member's attention is invited to Circular No J. 835, dated the 16th February, 1910 (*vide* page 75, Vol. III, *Land Revenue Manual*).

Revenue under Customs Duty.

161. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):
(*a*) Will the Government be pleased to place on the table a statement showing the revenue of the State under customs duty in 1096, 1097 and 1098?

(*b*) What was the amount received by them during these years from the British Government under the Interportal Trade Convention?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) The statement asked for is given below:—

1096	Rs. 23,30,284.
1097	Rs. 26,83,881.
1098	Rs. 25,23,964.

The above amounts include the compensation received from the British Government under the Interportal Trade Convention for the years in question.

(*b*) 1096	Rs. 38,692.
1097	Rs. 36,653.
1098	Rs. 10,543.

Sale of Liquor after 8 P. M.

162. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): With reference to the answer to question No. 49 asked on the 18th Karkatakam, 1098, will the Government be pleased to state whether the Excise Inspector referred to therein was punished, and, if so, what was the punishment?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Excise Inspector was fined Rs. 5 and warned.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

***Appointment of a Committee for Improvement of Paddy Cultivation.*—(*contd.*)**

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Sir, with regard to the resolution moved by Mr. C. P. Kochukunju Pillai, I beg to point out the following facts for the consideration of this House. His statement that there is a considerable increase in the import of paddy is based on the figures showing the value of paddy and rice imported into the country. (*A voice: "Louder, please".*) If the value increases, it does not naturally follow that the quantity will also increase. In calculations like this, it is the quantity that should be taken into account. Even if there is an increase in the quantity imported in the course of ten or fifteen years, it does not mean that the local output has become less. The quantity required for consumption depends on the population and the standard of living of the people. Further, the statistics collected by Dr. Kunjan Pillai, the permanent Director of Agriculture, in 1917, showed that 5,77,000 acres of land were then under paddy cultivation; but, according to the latest agricultural statistics, the area under paddy cultivation is 6,57,000 acres. Though there might have been some decrease in the yield of paddy in some localities, this would be small when compared to the output from the increased areas brought under cultivation by the reclamation of backwaters and by throwing out forest lands for cultivation and by the substantial increase in the production of paddy in South Travancore as a result of the construction of the Kodayar dam. Government admit that there is room for further development of paddy cultivation, both extensively and intensively, and they are doing all that is necessary in the matter.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): തെക്കൻ തിരുവിതാംകൂറിലെ ഓരോ കൃഷിക്കാരനും കിട്ടിവരുന്ന ആദായം വർദ്ധിച്ചുവരുന്നോ, കുറഞ്ഞുവരുന്നോ ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Should I answer in English or in Malayalam ?

PRESIDENT: You may answer in English.

MR. K. PARAMESVARAN PILLAI: (*Ag. Director of Agriculture and Fisheries*): In certain localities there is a decided increase, but in certain other localities there is a decrease. This decrease is mainly due to the want of care on the part of the cultivators themselves.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): കൂടുതൽ കിട്ടിവരുന്നു എന്നു പറയുന്ന സ്ഥലങ്ങളേതെല്ലാമാണ് ?

MR. K. PARAMESVARAN PILLAI: (*Ag. Director of Agriculture and Fisheries*): In most places near the paddy farm at Nagercoil, there is a decided increase, and, then again, in certain localities near Mahadanapuram and Tazhakkudi. Of course, I am not in a

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position to mention off-hand all the areas where there is a decided increase; but, all the same, I shall point out in a rough way the localities where there is a substantial increase.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): വിളവു കുറവുള്ളതിനുള്ള കാരണം കൃഷിക്കാരുടെ സൂക്ഷ്മക്കുറവുകൊണ്ടാണെന്നു പറഞ്ഞല്ലൊ. അതെങ്ങനെയാണ് ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): They do not take particular care in the matter of manuring, in the preparation of the soil and in the matter of using selected seeds of improved varieties.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഇതുതന്നെയാണ് കാരണമെന്നറിയാമൊ ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Certainly.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If that is so, I wish to ask how many had been getting better harvest in past years.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I shall explain that. As the cultivation continues for a very long time, the soil will get exhausted, and unless we do something to increase the fertility of the soil, naturally the soil will suffer and the out-put will decrease.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഈ കാൎയ്യത്തെ ചൂണ്ടിക്കാണിച്ച് അതിനു വേണ്ട സഹായം ചെയ്യാൻ ഗവർൺമെൻറിനെ അറിയിച്ചിട്ടുണ്ടോ ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): That is exactly what we have been doing. We have conducted a soil survey of the whole of Nanjanad. I myself was doing the work. I have analysed typical samples of soils taken from almost all the areas in Nanjanad and have pointed out their defects. Our conclusions are that our soils are lacking very much in phosphoric acid and we are suggesting certain lines and advising the cultivators very often in this matter and issuing leaflets which contain the conclusions based upon the results achieved by our experiments.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Has the department made experiments in regard to the nature of the soil of any other taluk?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Not to the same extent as we have done in the case of Nanjanad and Kuttanad.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know in what other taluks the enquiry has been made?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*) : The whole of Kuttanad, *i. e.*, the area comprised by the low-lying lands of Changanachery, Ambalapuzha and Kartikapalli, and portions of Kottayam also.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : Any scheme drawn up to improve the yield from the land ?

PRESIDENT : He has already answered that. He said that bulletins containing the results of the investigations of the department have been published and that they contain suggestions regarding suitable manures.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*) : So the enquiry has not been extended to all the taluks ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): It is a laborious process. For the soil survey of Nanjanad itself it took about half a dozen years. For Kuttanad also, we required the same number of years. Now we have taken up Vaikam. We will extend it to another taluk, probably next year.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you ever had to analyse the soil of paddy lands at Shertallai ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I have analysed two samples from Shertallai. The paddy lands of Shertallai consist of loose white sand containing a very low percentage of plant food materials, and, unless you manure the soil, the yield will be very very low.

MR. JOSEPH PANJIKARAN (*Shertallai*) : Is it that the soil that you analysed is of a loose sand variety ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*) : Yes, and it contains less than one per cent. of organic matter only.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Have you examined all the *kari* lands in Travancore ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*) : Yes, I have examined them all over Travancore.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*) : Will Mr. Paramesvaran Pillai be able to tell us what defects he found in the *kari* lands and whether they are capable of remedy ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*) : We have got *kari* lands at Purakkad, Turavur, Vechur and Chempil and certain parts of Muvattupuza. We have conducted investigations of samples of soils taken from different places in all these localities, and we find that the organic matter present consists mostly of partially decomposed vegetable matter. In some places we find as much as about 40 per cent. of organic matter. In typical paddy soil, the percentage of organic matter should be somewhere between 7 and 10 per cent. If it is more than that, the chances are that the soil will become acidic and the biological activity of the soil will come to a

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standstill. And the manure present in the soil cannot be rendered fit for absorption. In the case of Purakkad *kari* lands, we find in certain cases 28 per cent. of organic matter present. That is too much. We do not want more than 10 or 15 per cent. In such cases, we advise the cultivators to apply plenty of lime, say, 2 to 3 tons per acre. The drainage is very important. Unless we drain the soil well, air cannot enter freely into it and render the plant material present in the soil capable of being absorbed by the plant. That means, there should be plenty of airation in the soil. Then there are, I think, some other defects, *viz.*, the presence of an immense amount of organic acid that can also be removed by the application of lime and by means of proper drainage.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Has Mr. Paramesvaran Pillai analysed the efflorescence found in the *kari* lands of Purakkad?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Yes, I have done that. It contains sodium chloride and in some cases sulphates and carbonates of magnesium and calcium.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Does he know that in Travancore we have not more than ten cents of paddy lands per head of population?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): The total area of paddy lands is, I think, 6,57,000 acres, at present, according to the latest agricultural statistics. We know the population of the State and if you divide it by the number of the population we can get the answer easily.

PRESIDENT: It requires some calculation. (*Laughter.*)

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Some of the ryots are told that the application of fish guano manure is valuable. From what you say there is already too much of organic matter. May I know how the fish manure could remedy the defects?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I am sorry I have been misunderstood. Organic matter means substances of vegetable and animal origin. It may or may not be rich in phosphoric acid and the idea of supplying fish manure is to add to the phosphoric acid contents in the soil. Fish guano contains about 8 per cent. of phosphoric acid and it will naturally add to the phosphoric acid already present in the soil and then the result will be very good.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the investigations which the Director of Agriculture was carrying on with respect to Purakkad *kari* lands have been closed?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): No. The problems involved in the investigation of

kari lands are purely of a biochemical nature. So far, we have been able to conduct only chemical investigation. The biological side has to be taken up. For that, we want a man specially trained in soil bacteriology. The Government have deputed a man for training; and as soon as he comes back, this question will be taken up.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the department in a position to give an assurance that the *kari* lands in the Ambalapuzha taluk may be rendered cultivable?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): The results obtained so far are very encouraging. Further investigations have to be conducted. We can come to a definite conclusion only after we complete the investigations.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will he give some adequate idea as to the percentage of land lying uncultivated?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I am sorry I cannot give you that information at present.

PRESIDENT: Please proceed.

MR K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Mr. Kochukunju Pillai's idea is to get a committee appointed to suggest methods for improvement in regard to intensive and extensive cultivation. So far as I am aware, failure of crops is ordinarily due to the rainfall being scanty or excessive. Both of these are causes beyond our control. Under normal conditions, if the cultivators pay sufficient attention to the preparation of the soil, to manuring, to watering and to the use of the right kind of seed, there cannot be any failure of crops. These causes are very patent and I do not find any necessity for appointing a special committee to investigate them.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): തെക്കൻ തിരുവിതാംകൂറിൽ മാനാമാരി നിലങ്ങളിൽ കൃഷി എങ്ങനെ നടത്തും ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I will tell you at the very outset—

PRESIDENT: You will have to address me.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I may say at the very outset that some of these questions I may not be able to answer off-hand.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): അദ്ദേഹം എൻറെ ചോദ്യം മനസ്സിലാക്കിയില്ലെന്നു തോന്നുന്നു. മാനാമാരി നിലങ്ങൾക്കു മഴപെയ്തു കിട്ടുന്നവെള്ളം മാത്രമേയുള്ളു. ആ സ്ഥലങ്ങളിൽ ഉണ്ടാകുന്ന കുറവിനെ പരിഹരിക്കാൻ വല്ലമാർഗ്ഗവും ഉണ്ടോ ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Yes; I know.

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MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): അതിനെ അവർ എങ്ങനെ പരിഹരിക്കും?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): When the rainfall fails, naturally we have to resort to minor works of irrigation. Water has to be stored and got from other sources.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has the Agricultural Department addressed the Government on the necessity of improving irrigation in such *manamari* lands?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I am not quite sure, I think probably the department has.

PRESIDENT: I can answer the question. I do not, however, want to join in the debate, for obvious reasons. The House will remember that Mr. Paramesvaran Pillai has been absent for a long time, and he has returned only a month or two back, and so he may not be acquainted with all the activities of the department.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to offer a word of personal explanation. From the way in which he answered the questions, personally I was satisfied that he was up to the mark in answering questions.

PRESIDENT: He has been trying his level best to pick up information and he has been doing a good deal in that way.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): First of all, the committee is to enquire into the cause of failure of crops and then to suggest methods for the improvement of extensive and intensive methods of cultivation. Of course, I explained something about the failure of crops. The causes are so very patent that I do not see any reason why a committee should be appointed to investigate the question.

In regard to intensive and extensive cultivation, this question was considered at great length by the Economic Development Board at some of its early meetings. The Board collected all available and necessary data on the subject and after careful examination made its considered recommendation to the Government as to how intensive and extensive cultivation should be improved. It was as the result of the action taken by the Government on the above recommendation that local committees were appointed to report on the question of disafforesting swampy lands suitable for paddy cultivation.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether the members of the Board have inspected the different taluks and the paddy fields in those places?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): The Board has got representatives from all parts of

Travancore and the Director of Agriculture, who is also on it, knows what the condition of paddy lands all over the State is.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): May I know whether they have gone into the different parts of the State to collect information regarding the different taluks?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): So far as I know, they had no necessity for that. Action is being taken by the Government on the recommendation of these committees. The question of the reclamatian of *alkali* and *kari* lands for paddy cultivation has already received the special attention of the Government. A preliminary survey of such lands has been made and an officer of the Agricultural Department has been deputed to the Agricultural Research Institute, Pusa, for training in soil bacteriology with a view to equip him fully for the biological investigation of *kari* lands.

As regards intensive cultivation, the aim is to secure the maximum yield from the soil at the minimum cost. This can be done by the introduction of improved varieties of seeds, by proper tillage, by scientific manuring, by the adoption of improved cultural methods and by keeping off fungoid and insect pests. From the annual reports and other publications of the Agricultural Department, it will be seen that the department is doing all that is possible in this direction. There is a paddy farm at Nagercoil where improved varieties of paddy seeds are being produced and distributed to the ryots, especially through the agency of seed unions organised by the department. The seeds, selected in the farm, find a ready sale, and arrangements have also been made at other places for supplying selected seeds to ryots. The department has tried various kinds of agricultural implements and those which are found to be suited to our local conditions are being popularised. The Climax and the Meston ploughs and the plough manufactured in the Agricultural School at Alwaye have been found to be very useful and they are being stocked and supplied at cost price. Tractor-ploughing, with a view to reduce the cost of cultivation, has been tried and is being demonstrated with much success in South Travancore, where 200 to 300 acres of paddy lands are ploughed annually with the motor tractor belonging to the department. The department took up the question of supplying scientific manures even from its very start. Oil cakes, fish manure and other local manures, which used to be either exported or wasted some years ago, are being collected and sold within the country by the department as well as by private merchants and firms. The steady fall in the export of these stuffs from the country, as can be seen from the figures supplied by the Excise Department, is due entirely to their use within the country. Chemical manures are also being got down from outside and supplied to the ryots at cost price. At first the work was done by the department by opening a few Government depôts. As the demand for manures increased, the department began to enlist the co-operation of private agencies and at present there are about forty depôts managed by commission agents, some of them being co-operative societies. There

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are also two private companies at Alleppey which do a large volume of work in this direction. The Mycologist and the Entomologist, as well as the district staff, are ever on the alert to investigate and find out successful methods of keeping off plant pests and diseases.

From what has been said, it will be seen that the Agricultural Department is doing all that is possible in improving intensive cultivation in the country. More than all these, demonstrations are being conducted by the department on ryots' lands at several places, the owners themselves being made to do all work under the supervision of the department. The possibility of annual cultivation of *punja* lands by the adoption of systematic tillage and judicious manuring has been experimented for 5 years on 30 acres of *punja* lands and the method is now being demonstrated in four important centres. A special committee, even if appointed, may not have anything more to suggest. Since the Agricultural Department is doing all that is possible and necessary for the improvement of intensive cultivation of paddy and since the subject has recently been fully examined by the Economic Development Board, composed of members thoroughly competent to discuss the question, it will be only waste of public money to appoint a separate committee for the purpose.

Each of the several problems which has to be solved in connection with the subject of this resolution is so important and difficult that it will take many years before it can be successfully solved, and it has to be tackled carefully and gradually and that is what the Government are doing. But if all these problems are to be investigated by a single committee, the field of its enquiries becomes so vast that it cannot be expected to complete the investigations and offer practical suggestions within a reasonable ti ne, and when it ultimately does so, it is not unlikely that it will be found that the cost involved in carrying out all the suggestions simultaneously will be gigantic.

Of course, some of the members referred to the supply of green leaf manure and other things. What I have said will cover, I hope, everything in regard to manuring.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know how the Agricultural Department proposes to prevent the filling up of paddy fields by the earth brought down from the neighbouring hills and neighbouring lands on a higher level ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Of course, that is left to the owners themselves. What is suggested is to have terraces or trenches constructed so as to prevent it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is there no practical remedy which the department can propose ?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I think this is quite practicable.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): My

friend Mr. Paramesvaran Pillai has explained to the House what his department has been doing in the matter of intensive cultivation of paddy. With regard to extensive cultivation, I have to say that the Government have been taking interest in the matter. The matter was taken up by the Economic Development Board at their meeting in 1097, and the subject was considered in all its aspects. The Economic Development Board, at that time, consisted of representatives from different parts of the State, and the subject was thoroughly discussed and it was resolved that the Board should make a recommendation to the Government with regard to the investigation of the following projects :—

(1) To investigate new irrigation projects such as Adirapalli, Kottappara, etc., (2) to throw open lands within reserved forests fit for paddy cultivation ; (3) to investigate the possibility of reclaiming the Kayankulam lake, and also to take steps in regard to the reclamation of submerged areas in Munambam, Parur, Kaippizha and other places ; and (4) to restore minor irrigation works, to repair irrigation and drainage channels in the *punja* lands, to investigate the *Chatakkal todu*, Kaviyur and other cognate schemes, and to ascertain the possibilities of extending irrigation from the Sastancottah lake. It was also resolved to approach the Government to appoint a special engineer for this purpose.

Mr. Kochukunju Pillai was asking us whether we had a comprehensive scheme considered for the whole State. The above summary will show that the whole question has been gone into carefully. With regard to the recommendations made, I may say that Government have already taken action on many of them. Committees were appointed for several taluks to select lands fit for paddy cultivation from reserves. We have now received reports of the Pattanapuram, Devicolam and Peermade taluk Committees. Government have passed orders on these reports by which an area of 1,150 acres in the Devicolam taluk, 790 in the Peermade taluk, and about 200 in the Pattanapuram taluk is made available from inside reserves for the cultivation of paddy. The committees appointed for the Shencottah, Pattanamtitta and Todupuzha taluks have not submitted their reports, but from the reports I received, I may say that the lands to be made available for paddy cultivation in these taluks will be even greater.

For the restoration of minor irrigation works, Government have also taken action, and more funds are provided for this purpose in the current year's budget, and I know that some progress is being made in this direction in regard to the utilisation of water from the Sastancottah lake for irrigational purposes. The Chief Engineer will be in a position to tell us what progress has been made in regard to other works. As regards the Adirapalli Scheme, the project is expected to bring two thousand five hundred acres under paddy cultivation. Government have already taken steps in regard to this matter, but on account of some objection raised by the Cochin Government the matter is being delayed somewhat. Nevertheless, the preliminary works in connection therewith are being proceeded with. A road as far as Adirapalli has been traced and I believe some work on it is also done this year. So far

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as Travancore is concerned, it is not possible for us to utilise all lands for the cultivation of paddy. Only such lands as are suitable for paddy cultivation can be made available. An area of 800 acres at Mannavankandam in the upper source of the Deviar river, a tributary of the Periyar river, has already been disafforested from the Malayattur Reserve, though I am of opinion that this area can be increased by at least another 500 acres. But the area is somewhat remote; and unless a syndicate or a big concern with sufficient capital takes it up, it may not be possible to improve the land. The slopes of the hills can also be used for the cultivation of tea and altogether an area of about 5,000 acres can be made available. So far as the Forest Department is concerned, they will not raise any objection with regard to the disafforestation of this area. If more lands are required for paddy cultivation it is for the people to go in for this land. The Government are particularly anxious with regard to the extensive cultivation of paddy and they are doing whatever they can in this direction. The Economic Development Board recommended the appointment of a special Engineer for irrigation. But from what the Chief Engineer told us day before yesterday, it is seen that he had recommended to the Government the appointment of a supervisor for the purpose, but the Finance Committee seem to have disallowed it. If there is any impediment seen—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I wish to get a ruling on a point of order whether it is open to the members on the official side to make references to what transpired in the Finance Committee.

PRESIDENT: He is not referring to anything that transpired in the Finance Committee, but he is only referring to the decision.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether the official members are entitled, as a matter of right, to refer to the transactions of the Finance Committee.

PRESIDENT: Do you mean what took place at the Finance Committee or the decision?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Even the decision.

PRESIDENT: The decision is a different thing. I will give a ruling on that point later on.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): It is not also possible to—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Louder, please.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*):—to decide problems of this nature in one or two days. They are being taken up gradually, and the appointment of a committee, I think, will be superfluous. As matters stand at present there is a permanent committee—the Development Board—quite competent to tackle such questions and our friend Mr. Velu Pillai is also one of the members, and the

Council has elected three more representatives to sit on it. If any more suggestion has to be brought in, it is welcome to them to do so.

MR. PAUL V. DANIEL (*Agastisvaram*): At the outset, I feel bound to congratulate Mr. Paramesvaran Pillai on the readiness with which he satisfactorily answered the questions that were put to him from this side of the House.

The resolution now under consideration is, of course, an important one. The mover has brought it with a noble object. Everything possible must, indeed, be done by the Government to develop agriculture. But, to me, it appears that the Government are doing their best in this direction and that we should be particularly grateful to the Government for this. The Government are aware of their serious responsibilities and they are doing their best to help the agriculturists wherever and whenever possible. The starting of the Agricultural Department, the creation of the Economic Development Board, the appointment of Agricultural Chemists and Entomologists, the opening of fruit farms, paddy farms, manure depôts, agricultural schools, and veterinary hospitals, the special works that are being done for the Department of Agriculture by the P. W. Department, the interest taken by the Government in agricultural loans and co-operative societies—these and several other things will clearly indicate the immense work done by the Government in this important direction. I think, it is, under the circumstances, advisable to wait some time more to see what these agencies will be able to do for us. Our men who are really interested in agriculture and in the prosperity of our State are doing the work and I hope they will be able to devise some means to develop agriculture in every way possible. In this connection, permit me, Sir, to make the following observations.

Reference has been already made by some of the previous speakers to the work of the Forest Committee. Most of the members of the committee, including myself, had the privilege of inspecting the royal trees standing within registered lands and the reserves in some of the northern taluks. The first impression created was that there has been some mistake somewhere in registering away many extensive and otherwise useful blocks of land. Apart from the fact that royal trees are mostly found in registered lands and the lands mostly registered are those most suitable for the growth of royal trees we find here and there large tracts of registered lands lying neglected and uncultivated. As rightly observed by my friend Mr. T. K. Velu Pillai, the owners of these lands are not justified in allowing these lands to remain entirely uncultivated. They are under an obligation to cultivate them. The Government should see to it, and if they fail to do so, such lands should be entrusted to persons capable of and really interested in cultivating them. The owners may be given a certain proportion of the net income. Hereafter the registry of lands within reserves should be, as far as possible, discouraged, and, wherever and whenever done, should only be done with much forethought, care and caution.

[Mr. J. John Nidiry.]

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, the improvement of paddy cultivation in Travancore is an all-important subject and, as such, I think every one of us who are assembled in this hall must take a special interest in the matter, and, I am particularly glad that my learned friend Mr. Kochukunju Pillai has emphasised its importance by bringing such an important resolution as this. Of course, his speech has brought to us several important points which require special consideration at our hands and at the hands of the Government.

Then the next question is whether a separate committee should be appointed for the desired object. My humble submission in this respect is that a previous committee, which was appointed for a subject which is very nearly connected with it, and its advice have made me despair a little of the success of such committees. I may refer to a recent committee and its workings, the committee which was appointed for throwing open for cultivation certain swampy areas from forests. The conclusions or the proposals made by this committee, I might mention, have been proved to be impracticable, and I am very sorry that I cannot agree with their proposal as a practical solution for advancing the cultivation of swampy areas in our forests.

Another point which suggests itself to me is that the work may be done by a special reference to the standing committee of the Economic Development Board, which was recently created by us in an improved manner. The present Board consists of members with, I believe, a non-official majority, and four of them were elected by this very House, and, as such, I am sure our representatives in that Board will take special interest in matters like this, especially after this resolution is discussed in this Council. At present, we may be satisfied with a special request to that Board that they should, if possible, visit the several parts of the areas which require their visiting and submit a special report which is desirable for the improvement of cultivation. I may also say that that Board consists of experts such as the Director of Agriculture, the Director of Industries, the Conservator of Forests and others who will give proper guidance. Under their guidance I think we could get enough directions and suggestions, and, in case of any need, my submission is that the help of such experts be first resorted to before a separate attempt is made.

Again there has already been a cry in the State that we are having too many committees for all manner of things, and the present Government is alleged to be a Government of committees, and as such I should think we should not go in for committees unless there is a pressing necessity for them. Though I am not in favour of creating committees, I fully agree with, and endorse the view of, my friend that it is an all-important subject and that every attempt should be made to improve paddy cultivation in the State. I think that we may refer the whole matter for the present to the Economic Development Board and request them to give a most important place to this subject when it comes under their consideration.

MR. T. LAKSHMANA PILLAI (*Nominated*): I have to submit that the subjects embraced in the purview of this resolution fall exactly within the jurisdiction of the Director of Agriculture. I am far from underrating the importance of the matters brought to the cognisance of the Government through this resolution. While fully acknowledging their importance, and while I regard with admiration the thoroughness with which the mover and some other friends, like Mr. Kumara Pillai, have studied and explained the various aspects of this question, I yet think that these questions have to be dealt with in the main by the Director of Agriculture, assisted by the Economic Development Board. If it is thought necessary, the hands of the Director may be further strengthened, so as to enable him to tackle these problems with thorough success. I do not therefore oppose the resolution, but have to propose that the question be formally referred to the Director of Agriculture for his suggestions and eventual solution, without a separate committee being created for the purpose.

MR. K. DOMINIC TOMMAN (*Peermade cum Devicolam*): I have great pleasure in supporting the motion of Mr. Kochukunju Pillai; for no one can deny the importance of the subject he is trying to tackle. The problem as to how to make a country self-contained and self-supporting in the matter of its staple articles of food is by far the most important subject which the administration of a country, the representatives of the people and the general public have to face. I gladly recognise that the Government of His Highness the Maha Raja have of late years been giving tangible proof of a growing realisation of the importance of this question, and various more or less useful measures are either being taken or are in contemplation.

But it often happens that the benevolent intentions of the Government are either frustrated or deprived of a considerable portion of their usefulness by some stipulations which a correct comprehension of all conditions would either have modified or removed altogether. I am not blaming the Government. The Government, on whom devolve the duty of having to take up simultaneously a thousand and one different subjects cannot be expected to devote, to any one problem or question, the time and the attention necessary to understand it in all its aspects, and devise measures which will be unexceptionable from every conceivable standpoint. Therefore the advice and co-operation of a committee of the kind contemplated by Mr. Kochukunju Pillai may be of the greatest possible help.

As an example I may be permitted to refer to the proposal to render available, for paddy cultivation the swampy tracts within the reserved forest area of the estate. This is a concession for which the people have been clamouring for years, and for the granting of which, though after a great deal of hesitation and departmental abstraction, we cannot be too thankful to the Government. But I am afraid that the condition which it is the intention of the Government to impose in this connection may nullify all the advantages of this generous concession. For I understand that Government propose to register the lands under the proposed colonisation scheme. Whatever may be the advantages of the scheme,

[Mr. K. Dominic Tomman.]

so far as the lowlands and the opened-up tracts are concerned, I am firmly convinced that it is unsuitable to the utilisation of the swampy areas of forest tracts. The essence of the colonisation scheme is that an area is given to a company or a syndicate with the stipulation that the area should remain undivided and impartible and inalienable for twenty years, that those who take up such areas are liable for military service and that the land should be developed in accordance with the directions of the Agricultural Department. These stipulations must clearly have originated in the well-grounded conviction that it is only the introduction of sufficient capital, up-to-date machinery, and the adoption of scientific methods of farming that substantial progress in agriculture can be achieved and that this will be feasible only if the area remained as one undivided block and under unified control. Though all this is perfectly true in the case of such industrial crops as rubber, tea, etc., I am afraid that, to make paddy cultivation successful within the forest area, it is not enough if the members of the company or the syndicate entrust their share of the requisite capital to a manager and leave him to carry out the work through hired coolies. Each participant must live on the property, gradually level down and fill up the inequalities of his holding, and he must make drains and bunds and tend the crops in the proper manner at every stage till they are harvested.

PRESIDENT: The land colonisation scheme is not before the House.

MR. K. DOMINIC TOMMAN (*Peermade cum Devicolam*): I took it as an example. There are certain difficulties. The most important and indispensable part of the work is to keep off wild elephants, wild boars, etc., keeping awake night and day. Once a wild elephant enters a piece of land cultivated with paddy, all growing plants over a large area will be hopelessly trodden down or plucked up by the roots and destroyed, though the depredation of such wild beasts in a rubber or tea estate cannot do much irreparable damage. It is only the sleepless vigilance and the desperate valour of those who have staked their all in the enterprise that can save paddy crops from damages. A concern conducted by a manager with a paid staff and a number of hired coolies will not be an effective substitute for the personal care and attention of a number of individual owners living on their own holdings and doing their own work. Then again, the return for paddy cultivation is not so large as to be able to stand the increased cost of working through a company or a syndicate. It has also to be observed that the obligation of the military service attached to the concession will make the proposition altogether unacceptable to the class of genuine ryots who alone can make the scheme a success. Though it may be humiliating to have to make the confession, the truth may be faced that our agricultural population are not thirsting for military glory and adventures. Then again, people have not yet learned to have entire faith in the direction and control of our Agricultural Department. There is no harm if the members of the department are given every access to those areas and the opportunity of studying local conditions and offering advice. But if it is

made obligatory that such advice has to be followed under pain of forfeiture of the concession of Government, I am afraid few persons will welcome the project. The absence of practical knowledge, the ignorance of local conditions and the temperamental defects of the officers concerned, may conduce to lend to a state of friction eventually resulting in open warfare, in which the trump card must necessarily be in the hands of those who have free access to Government.

In order to remedy these defects, I would suggest that, in the matter of swampy areas, if a number of persons come forward to utilise the whole available area in a given locality, each one of them undertaking to take up as many acres as he can up to a maximum limit, the area should be separately registered in the names of those individuals.

I have given the above criticisms of one of the schemes of Government for stimulating paddy cultivation as an example of the way in which the advice of a committee of the kind contemplated by Mr. Kochukunju Pillai may be made to co-operate with Government to co-ordinate in their beneficent activities. I have therefore great pleasure in according my hearty support to the proposition.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In view of the importance of the subject under discussion, I wish to make a few observations. I was also listening with very great pleasure to the answers of my sharp young friend, the Ag. Agricultural Director, Mr. Paramesvaran Pillai. The subject seems to be capable of further discussion and he seems to have handled the subject from the exclusive standpoint of the Agricultural Chemist. The two main defences set up by Mr. Paramesvaran Pillai to the question raised by my friend Mr. C. P. Kochukunju Pillai are the following. First of all, Mr. Paramesvaran Pillai says that the Agricultural Department is doing evrything that is now needed in connection with the intensive and extensive cultivation of paddy. In view of such enterprise on the part of the Agricultural Department, my friend seems to assure us that we need not bestir ourselves in the cause of paddy cultivation. Secondly, he assures us that there is a Development Board with its activities and asks why not trust the Development Board to do the needful in connection with this question. These are the two defences, that Mr. Paramesvaran Pillai has furnished to the motion now before the House. But my own apprehension is that the subject under discussion is one which requires consideration from a wider standpoint and should not be exclusively dealt with from the standpoint of the two agencies now mentioned by my friend Mr. Paramesvaran Pillai.

First, with regard to the question of the sort of work done by the Agricultural Department in regard to the expansion of paddy cultivation, it seems to be mainly confined to the application of the principles of two sciences, chemistry and biology. Mr. Paramesvaran Pillai has been telling us that they have not any eminent expert to tackle the question in regard to biology. That is all. Then it practically comes to this. The so-called enthusiastic application of the department to the question

[Mr. P. K Narayana Pillai.]

under discussion seems to be confined to a series of experiments conducted probably in the laboratory of the Agricultural Chemist. Whether the question of paddy cultivation is one which should be left to centre round the operations in a laboratory is the question that I would raise for the consideration of the House.

Then with respect to the activites of the Economic Development Board, I would say that the Board have to pay much attention to a number of subjects, among which probably the improvement of agriculture seems not to overtop the attention that they have to bestow upon industrial development and commercial activity and that sort of things. Therefore, naturally, being an agency which is called upon to pay heed in proportionate importance to the various subjects entrusted to their tender mercies, whether it will meet with at the hands of the Board the sort of importance that this wider outlook calls for is open to serious doubt. If any representative of the Board comes forward and assures the House that, practically to the exclusion of other subjects, the Board will concentrate their attention upon the question of paddy cultivation till very satisfactory results are arrived at, I would have accepted the assurance. We have had a speech from one of the official members of the Board, the Conservator of Forests ; and except for the nebulous statement that the Board will take care of the subject, nothing of a definite kind was submitted to the House by Mr. Dhanukoti Pillai.

PRESIDENT: He mentioned a number of recommendations made by the Board and also something about the action taken by the Government thereon.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The recommendations are not sufficient in themselves.

PRESIDENT: He said the recommendations of the Economic Development Board were made after careful consideration.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Probably all the suggestions of the Economic Development Board have been exhausted.

PRESIDENT: The Economic Development Board is not dead.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Not dead. Mr. Dhanukoti Pillai seems to suggest that as much as is possible has been done for widening the scope of paddy cultivation.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I never said that we had exhausted the possibilities of widening paddy cultivation. It is still open to the Board, which has been newly constituted, to take up the question again.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is all right. Much remains to be done by the Economic Development Board. It was at first a stronger body consisting of representatives from various parts of the State. In a stronger mood of its existence it could not do anything very substantial except to send forward recommendations.

The expectation Mr. Dhanukoti Pillai seems to cherish, that it will in its attenuated form do better work, is not reasonable. Anyhow I am submiting one aspect of the question.

The question of the extension of paddy cultivation in the State clearly presents itself. Taking the example of my own taluk, comprised in the area described as Kuttanad by my friend Mr. Paramesvaran Pillai, there is a clear fact visible that as soon as you cross the Tottappalli lock, for a distance of four miles there is what is known as the Purakkad *kari*. It extends to not less than four miles and I presume that the distance from east to west is about 6 to 7 miles. On the whole an extent of about 30 square miles of land is in a condition of paddy field to some extent in appearance, but goes without real cultivation. That is one instance. The Department of Agriculture is going about analysing the soils. I do not deny that analysing the soil is a necessity and I do not ignore that question. But the deterioration of the soil in other parts of my own taluk has resulted not from the entire exhaustion of the fertility of the soil, as Mr. Paramesvaran Pillai seems to say, but owing to other causes. To ask people to purchase manure that would be required for cultivation upon small blocks and try to reap the benefits of such manure is a very easy lesson taught as a matter of theory. But as a matter of practice, let us see whether, owing to a variety of causes, for example, by the artificial deflection of natural streams and streamlets, and owing to the choking up of existing channels, lands have been deteriorating. That is an aspect of paddy cultivation where the Agricultural Engineer's assistance is needed. Therefore, I am submitting that there are various aspects of this particular question. Simply to entrust the question to the activities and exclusive care of the Economic Development Board is not sufficient. That is what appears to me. So an alround investigation of the question paying due attention to the lands yet remaining uncultivated and also paying attention to the deterioration of lands within living memory and the possibility of intensifying the productive capacity of the lands now being cultivated with paddy, is a matter deserving more than the routine attention that is now being paid to it by the Department of Agriculture or, for that matter, by the Development Board. I think it is in that spirit that Mr. C. P. Kochukunju Pillai has moved this resolution. If, as a matter of fact, there is going to be any assurance given by the Development Board that they will devote their particular attention to it in view of the paramount importance of the subject, for the time being I would think that my friend may be satisfied with such a prospect. As no assurance is forthcoming, I have to support the motion.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Sir, nobody can deny that during the last several years the Government and the Department of Agriculture have been devoting a very considerable degree of attention to the development of agriculture in the country. The tangible results of these labours may not be very appreciable, but the reason is not far to seek. We are now passing through what may be described as the seed-time in improved agricultural knowledge and practices. A great deal of spade-work has to be done before the

[Mr. K. C. Mammen Mappillai.]

labours of the department will begin to bear fruit in the general acceptance of the conclusion of the department and in the practical application of the lessons which have been taught by the department. Remembering that agricultural improvement on scientific lines is only a plant of yesterday and gathering together the various signs of progress which we can discern by carefully looking over the whole country and also giving due credit to the substantial activities of the Government and the department, I think that we are not justified in blaming either agency for the paucity of the results. In saying so, I do not mean to say that any visible result of the labours of the department is very impressive. I think it may take several years or even decades or generations if we go on at this rate before scientific and intensive cultivation, as it is understood in western countries, becomes a generally accepted practice in our country. Therefore I shall not deprecate carrying out any efforts to speeding up the process of agricultural reform and improvement in the country.

Moreover the object which Mr. C. P. Kochukunju Pillai has in view, *viz.*, the making of our country self-sufficient in the matter of food supply, is one that is deserving of the acceptance of all of us, whether on the official side or on this side. The two obvious methods of increasing the food supply of our country are extending the area under cultivation and intensifying the methods of cultivation in lands already under cultivation. With regard to extension, I think, there is very little scope for it. All the *cherikal* lands which are available for registry and which are fit for paddy cultivation have been registered except a few patches here and there. Another source of extending paddy cultivation is reclaiming portions of the Vembanad lake. I do not exactly know the extent of the reclaimed area of the Vembanad lake. I think it is more than 50,000 acres. The general impression about this is that most portions of the lake fit for paddy cultivation have already been reclaimed. Then, as regards *kari* lands, they also have been mostly brought under cultivation and there is not much of it left unappropriated. What remains therefore is to concentrate our attention on intensive cultivation. The only parts of our own country where intensive cultivation is being practised are South Travancore and certain restricted parts of the Quilon Division such as Onattukara. In all other places, the method of cultivation is extremely unsatisfactory for several reasons. The method of ploughing and manuring is most primitive. In fact very little ploughing worth the name is being practised. We have got a few puny-sized bulls which are an apology for draught bulls, and which are driven over these fields so as merely to scratch the surface. In the case of wet lands, people look to the deposit of silt brought by the monsoon and the floods as the only source of manure. I am sure that something more could be done in this matter by the Agricultural Department. Mr. Kochukunju Pillai says that what we want is an elaboration of new theories of agricultural practice. I do not agree in this view. Most of us know what is to be done for the improvement of agriculture,

No doubt it may be desirable to know more of the secrets which nature keeps concealed in her bosom. But let us first of all carry out the lessons which are already known to us. Any dispassionate observer of the methods of cultivation in Central and North Travancore must come to the conclusion that, either owing to lack of organisation, or want of capital, or want of knowledge, or by a combination of all these causes, the yield from the land is not now a half or even a third of what it could be easily made. The lack of knowledge is not the sole reason or even the chief reason for this deplorable state of things. For every ryot knows that if the land could be ploughed more deeply and thoroughly than he now does, and if he applies an adequate quantity of ashes, cow dung, and other common manures whose utility he knows very well, the return from his land could be greatly increased. Proper irrigation is another difficulty. He knows that if he could be helped to lift into his fields the small quantity of water that he might need from the perennial streams and canals running close by, he could increase his income by 50 or even 100 per cent. These are some of the most outstanding reasons why cultivation in North Travancore and Central Travancore is unsatisfactory. I do not think that it will be possible for any committee of this House to discover any defects which are not now known. I should think that the insufficiency of the capital resources of the people is the one chief obstacle that retards the improvement of cultivation in North and Central Travancore.

PRESIDENT: Your time is up.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Just two minutes more and I shall finish.

PRESIDENT: Yes.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): If the Government would instruct the Director of Agriculture to take up some typical village, make a minute and exhaustive enquiry into the existing state of cultivation there, formulate definite conclusions as to possible developments, find out to what extent indebtedness, insufficiency of capital, ignorance, conservatism, absence of organisation, defective implements and other causes are standing in the way, and then with the co-operation of the Department of Co-operation, of the Irrigation Engineer and of the Revenue Department, try and bring about an all-round improvement in the methods of cultivation in the whole village, the tangible results that could be thereby obtained would go a long way to induce other people to follow these methods. The demonstrations conducted by the department at the present day are not really productive of the results that one could legitimately expect of them. Probably they may become better hereafter. But at the present time, one cannot honestly say that they are of any great practical value.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): May I ask the member whether he can point out some of the defects he has found?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): The Director has only to look at the trees in the Alleppey

[Mr. Joseph Panjikaran.]

cocoanut farm. I do not want to say anything unkind of the department. They are working under very great difficulties. But I must say that this demonstration could have been conducted better.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know what has become of the paddy field demonstrations?

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): The paddy demonstration was conducted in my own field. And I have to say I did not derive any substantial benefit from it. Lack of capital it is that chiefly militates against the improvement of paddy cultivation on *punja* lands. I did not want to say anything about my own experience; but since Mr. P. K. Narayana Pillai put that question pointedly to me, I could not keep silent.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, I support the resolution moved by my friend Mr. Kochukunju Pillai. To my mind, the most important part of the resolution is concerned with the investigation of the causes of the failure of crops. About that portion of the resolution, I do not think that the official member in charge of this particular subject has had much to say. He said very much in his own speech about other things and he answered the different questions put by members about the analysis he has made of the different kinds of soil. But the most important part of the resolution is concerned with the investigation into the causes which lead to the failure of crops in the country. Yesterday Mr. Kumara Pillai very graphically described the deplorable condition in South Travancore owing to the mismanagement of irrigation works, owing to the disappearance of green manure and other causes. I might tell the House that in North Travancore the condition is not much better. For instance, let us take the Kuttanad *punja* cultivation. The crops fail very often. Coming to my own taluk, I may point out that the *kari* lands, which have been referred to by the member in charge, are, to my knowledge, very productive lands. But the fact is that the crops more often fail in that part of the country. There is the *Antakara azhi* to be attended to with scrupulous punctuality. If not, sowing will be put off for two or three weeks. The putting off of it for two or three weeks would be fatal. There is again another important bund at Pullanchira. That is a bund which is the boundary of about three thousand *paras* of paddy land. That also is not being attended to, and there also the crops fail. It is such things that the committee that is now sought to be appointed should look into. Moreover, there are other causes which certainly the Agricultural Department does not take care of. This morning I got a telegram from Shertallai. I will read it:

Prevent Turavur paddy crop destroyed. Request Dewan immediately sanction cattle pound. Already petitioned.

KRISHNAN KARTA,
Turuticad,

He is a very respectable gentleman.

PRESIDENT: The Dewan has already sanctioned it.

MR. JOSEPH PANJIKARAN (*Shertallai*): I am very glad to know that the Dewan has already sanctioned it. The appointment of a committee to point out these evils and to devise methods whereby improvements may be effected will be very useful. The analysis of the soil is very important and has to be done by the Agricultural Chemist. But these and other things that have to be attended to can be done by the committee and methods may be suggested for improving them. So I support the resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, the question raised by Mr. Kochukunju Pillai is a very important one and deserves the very earnest consideration of this House. An examination of the figure showing the area of the paddy lands under cultivation furnished by Mr. Paramesvaran Pillai will show how vast the problem is. Mr. Krishna Aiyar asked Mr. Paramesvaran Pillai, while he was speaking, whether 10 cents did not represent the area, per head of population, under cultivation. Mr. Paramesvaran Pillai replied that it was 6,75,000 acres which shows that the area under cultivation per head of the population is something like 15 cents. It is a little over a *para* of paddy land. Taking into consideration the average yield of paddy in Travancore, I do not think that a *para* of paddy will ordinarily yield more than 8 *paras* of paddy. There are fields where it will be much more. There are also places like Kuttanad where once in two years you get one or two *paras* of paddy more—*once in two years*! So that, it appears to me, that the average yield cannot be more than 8 *paras* of paddy per head. If we take into consideration the quantity required for the consumption per head, we shall find that that will be not less than at least 20 *paras* per head, taking into consideration babies, children and adults. Therefore, we see that the production of paddy in Travancore is not sufficient even to feed 40 per cent. of the population of the State; and so, for the consumption of the remaining 60 per cent. of the population of the State we have got probably to import paddy from outside. This shows how vast the problem is and what careful attention it requires. From the attitude taken by the Conservator, I can see that there is very little scope for extensive cultivation in the country. Almost every piece of available land has been brought under cultivation and he tells us that there are very few acres left for cultivation except perhaps swampy areas in reserved forests. If that is so, we have to consider how far intensive cultivation is possible in Travancore.

So far as intensive cultivation is concerned, it appears to me, Sir, that Kuttanad, with which I am connected intimately, affords very great facilities for intensive cultivation. There is a very large area of land, but the major portion of it, except these portions which lie on either side of rivers, is cultivated only in alternate years. And even in these years there is a very poor crop. If it will be possible, at least by proper manuring and scientific cultivation, to cultivate those paddy

[Mr. A. Govinda Menon.]

lands every year instead of in alternate years, I think we can produce a much larger quantity of paddy than at present. In those places, instead of the yield increasing, I can say from personal experience that the yield is somehow or other decreasing. It may be due to deterioration of lands. It may be due to improper cultivation of paddy or other causes. But I find that the tenants from those areas ask for reduction of rents from year to year. If it is six *paras* of paddy this year, they will say next year that it should be reduced to five *paras*. This is going on steadily, and I am afraid if it goes on steadily for ten years, we shall have to forgo all our revenue and give something to the tenants in addition for cultivating the lands. That shows how the productive capacity of land in those places is deteriorating year by year. These things show that some attention deserves to be paid to this matter and I am very glad that the matter has been moved in this Council by Mr. Kochukunju Pillai. I have great pleasure to support his motion.

MR. A. GOVINDA MENON (*Alangad cum Parur*): Sir, after all the diagnosis made by many of my friends here, especially by Mr. Mammen Mappillai whose diagnosis of the northern ryots cannot be made better by me, I do not think I need dwell upon the matter any more. The activities in the direction to improve agriculture have been more or less conducted by three distinct departments—by the Agricultural Department, the Economic Development Board and, to some extent, by the Forest Department also. The difficulties in the matter are that there is nobody either in the Secretariat or outside it who can co-ordinate the activities of these departments. The efforts that are actually made at various times by distinct bodies have not been given a shape to. The department that deals with agriculture in the Huzur Office has to deal with other subjects and cannot give it that attention which the subject requires and cannot evolve the sort of policy which the subject deserves. It is only from this point of view that the creation of a committee can be justified. Mr. Mammen Mappillai's opinion on this point conflicts with his criticisms of the existing defects in the working of the Development Departments and cannot therefore be accepted. In his own words, there is absolutely no need for appointing a committee. Unfortunately myself and many others in this Council are of a different opinion. We know the defects. Because there are no proper facilities, we cannot work. There is no good in explaining away all these things. The one thing we want is, how to get rid of poverty, how to make the man spend his own money and make him produce more where there is almost little or no production at present. Now, in North Travancore, the four main defects are, (1) want of irrigation facilities, (2) want of manuring, (3) bad or rather antiquated agricultural implements, and perhaps (4) also, want of good breed of cattle. These are the four defects under which the agricultural population in North Travancore, especially Alangad, Parur, Kunnatnad, Muvattupuzha, Minachil and Todupuzha taluks, are suffering from. In these taluks, even when defects are remedied, I do

not think there will be an end to our difficulties. Our work is to make those people remove those defects themselves, by providing them with sufficient funds aided by Co-operative Societies and the Agricultural Department under the Agricultural Loans Regulation and even by giving selected classes among them bounties as the Government have done in England. If the last kind of help is necessary here also, I think we are bound, in the present state of affairs, to extend the same, even at some sacrifice. For these reasons a committee is demanded and I think we should be only doing our duty if we were to accede to the resolution moved by Mr. Kochukunju Pillai.

MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Sir, I heartily support the motion.

நம்முடைய நாட்டில் ஜனங்களுக்கு முக்கியமான ஆகாரம் நெல்லைத்தவிர வேறொன்றுமில்லை. இவிடத்தில் இப்போது விளைகிற நெல்லும் அன்னியநாட்டிலிருந்து வந்தத்தக்கூடியதும் கொண்டு திகையாமல் மரச்சீனிகொண்டு காலம் கழித்துவருகிறார்கள். அதற்கும் சில கெடுதல்கள் உண்டாயிருப்பதால் ஜனங்களுக்கு கஷ்டம் அதிகரித்து கொண்டே வருகிறது. அதினால் நெல் கிருஷியை எல்லாவழிகளாலும் அபிவிர்த்தி செய்ய ரொம்பவும் அவசரப்பட்டிருக்கிறது. அதற்கு அடியில் சொல்லுகிற சௌகரியங்கள் முக்கியமாகவேண்டும்.

(1) தண்ணீர்.
(2) உரம், குழை.
(3) உழவுசாதனங்கள்.
(4) ஆடுமாடு.

தண்ணீர்பாய்ச்சலுக்காக போதுமான வெள்ளம் கெட்டும்படி குளங்களை மராமத்து செய்துகொடுப்பதோடு மேல் குளங்களை விர்க்கவோ, பதிர்செய்து கொடுக்கவோ கூடாது.

• உரம். இதற்கும் உழவுக்கும் ஆடுமாடுகள் முக்கியமாக வேண்டும். மாடுமேச்சலுக்கு இடமில்லாமல் விவசாயிகள் ஆண்டுதோறும் புதிதாக மாடுவாங்கி நஷ்டமடைகிறார்கள். அதற்கு மேச்சலுக்கு கவர்மென்றிலிருந்து ஸ்தலம் வாங்கிக்கொடுப்பது அசாத்தியம். சௌகரியமுள்ள புறம்போக்கு ஸ்தலங்களை பதித்து கொடுக்காமல் மேச்சலுக்காக உபயோகப்படுத்தும்படி செய்து கொடுக்கவேண்டும். அன்னிய நாட்டிலிருந்து அதிகம் ரூபாய் கொடுத்து உரம் வருத்தி கிருஷிக்கு கொடுப்பதைவிட இவிடத்தில் கிருஷிடிப்பார்ட்டுமென்றில் ஏர்ப்பாடு செய்து உரம் உண்டாக்கி கொடுக்கலாம். இவிடத்திலுள்ள புண்ணாக்கு, எலும்பு, மீன், இவைகளை அன்னிய நாட்டுக்கு விடாமல் செய்தோ அல்லது தீருவைகூட்டியோ இவிடத்தில்தானே பக்குவம் செய்து உரத்துக்காக சகாயவிலைக்கு கிருஷிக்காகக்கொடுக்கவேண்டும்.

குழை. புறம்போக்கு ஸ்தலங்களில் குழைமரங்கள் வைத்துபிடிப்பிக்க வேண்டும். ஏர்ப்பாடு செய்துகொடுக்கவேண்டும். குழைக்காக டிப்பார்ட்டுமென்றிலிருந்து கொழுஞ்சி, அவுரி, முதலான வித்துகள் வருத்திகொடுக்கவேண்டும்.

[REV. FR. Kuriakose Vettikappalli.]

கிருஷிக்கு நாட்டுக்கு சௌகரியமாக எல்லாகாலங்களிலும் உழவு சாதனங்கள் எடுத்துக்கொள்ள அனுவதிக்கவேண்டும். தன்னுட்டு மாட்டுக்கு திருவை இல்லாமல் மலகளில் மேய்ந்துகொள்ள அனுவதிக்கப்பட்டிருப்பதுபோல் ஆடுகளுக்கும் அனுவதிக்கவேண்டும். கவர்மென்றுக்கு ஒரு ஆதாயவுமில்லாத்த Minor Forest களை மேய்ச்சலுக்காக ஒழிந்து கொடுக்கவேண்டும். British ஆடுமாடுகளுக்கு திருவை கூட்டி இருப்பதை குறைக்கவேண்டும்.

கிருஷிக்காரர்கள் தங்கள் மாடுகளை மேய்சுக்கொள்ள சௌகரியமான இடமில்லாமல் அவைகள் சீணித்து உடன்தானே இறந்துபோகிறது. ஆண்டில் இரண்டுதடவை உரம், குழை வாங்குவதுபோல் மாடுகளும் வாங்கவேண்டியதிருப்பதால் ரெம்பவும் நஷ்டமேர்ப்படுகிறது. கிருஷியை வர்த்தனை செய்யவேண்டுமென்று கவர்மென்றிலிருந்து அதிகம் முதல் செலவுசெய்து அனேகம் இடங்களில் பரிசோதனை பண்ணைகள் ஏர்ப்படுத்தி இருக்கிறது. அவைகளில் செய்துவருகிற எல்லா வேலைகளுக்கும் ஆதாயத்துக்கும் விபரமான துண்டு பத்திரிகைகள் அப்போதைக்கப்போது அச்சிட்டு கிருஷிக்காரர்களுக்கு கொடுக்கவேண்டும்.

முக்கியமான கிருஷிஸ்தலங்களில் ஒரு Agricultural Exhibition நடத்தவேண்டும். அதோடு கிருஷிக்காரர்களுடையவும் டிப்பார்ட்டுமென்றினுடையவும் அபிப்பிராயம் தெரிவிக்கவேண்டும். சீர்திருத்தல்கள் செய்துகொள்ள ஒரு வருடத்தில் ஒருதவணையாவது ஒரு District meeting நடத்தப்படவேண்டும். பரிசோதனை தோட்டங்களில் ஒரு காழ்சை தோட்டம் ஏர்ப்படுத்தவேண்டும். அதில் கலப்பை, வித்துகள், நோய்கள், உரம் இவைகளைக்கண்டு அறிந்துக்கொள்ள சௌகரியங்கள் இருக்கவேண்டும். இவைகளை நடத்துவதர்க்கு Officials and non-officials சேர்ந்த ஒரு கம்மிற்றி ஏர்ப்படுத்தவேண்டியது மிகவும் ஆவசியம்.

REV. FR. KURIAKOSE VETTIKAPPALLI (*Todupuzha* cum *Kunnanad*): Sir, any scheme or suggestion towards the improvement of our paddy cultivation and towards the making of our paddy supply sufficient for the country should be quite welcome, because the sad experience we had during the great war crisis has taught us that we should rely upon ourselves for our food supply. But whether a committee as contemplated by Mr. Kochukunju Pillai is the proper step to be taken at present is a matter on which I have serious doubts. As Mr. Paul V. Daniel pointed out, the Government are doing a great deal for the improvement of extensive and intensive paddy cultivation, both through the Agricultural Department and through the Economic Development Board and also through the many committees that have been recently appointed in different taluks to consider the question of the conversion of swampy areas in reserved forests for cultivation. So I think, at this stage, it would be superfluous to support or to recommend a more general committee for the same purpose. We should wait and

see what these agencies that are at work now are doing for the improvement of agriculture, and if they prove, after a sufficient period of time, to be unsuccessful in their attempt, I think, then it would be time for us to devise further means. At present, I am at one with Mr. Paul V. Daniel in saying that we should wait and see what these agencies can do, whether they would be successful in their work or not.

MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shencottah*): Sir, as to the importance of agriculture no discussion at all is necessary.

"As unto the car the axle is
So unto the world the farmer."

Tiruvalluvanayanar says:—

"உழுவார் உலகத்தார்க்கு ஆணி."

To say in plain words: 'the farmer is the cause of other people's existence in the world'.

I quite support the resolution brought forward by my learned friend, Mr. C. P. Kochukunju Pillai, in principle; but I do not agree with him in the formation of a committee to consider the question of paddy cultivation in the State and to investigate the causes of failure of crops and to suggest methods by which both intensive and extensive cultivation may be improved.

My friend wants a committee to investigate the causes of failure of crops. In my opinion no committee is necessary to find out the cause of failure of crops. Paddy cultivation in Travancore, as a matter of fact, generally does not fail for want of water. In Kuttanad, *i. e.*, in Ambalapuzha, portions of Kottayam, Changanachery, etc., the failure of paddy cultivation is entirely due to the overflow of water by breaches in bunds. In other taluks, failure of paddy cultivation for want of water is very rare. I do not submit that there is not failure of paddy cultivation. There is occasional failure of crops but this is not entirely due to the failure of rain, for we are blessed with two monsoons. If we can only arrange to store water during rainy seasons there can never be failure of crops in Travancore for want of water. In this connection, I have to submit that the natural conditions obtaining in Travancore will not permit the construction of big tanks to store water therein, for the lands are uneven and when water is collected in tanks of higher level, and when lands are irrigated by the same tanks on a merely lower level, there will be ample percolation of water and the tanks will be left empty before a few days' lapse after the rain; and the soil in all the elevated taluks being generally made up of loose sand they are unable to hold water. By submitting these facts I should not be misunderstood as opposing the construction of new tanks and the restoration of existing tanks.

There are several rivers in Travancore, and none of them are used for paddy cultivation, except one or two rivers in South Travancore and two in Shencottah. Many of them are so deep that it is absolutely impossible to construct anicuts and use their water for paddy cultivation; and

[Mr. S. Subrahmanya Karayalar.]

if anicuts are constructed we have not wide level tracts to bring under paddy cultivation. Failure of crops in Travancore being a rarity, except during unusual drought, let me examine whether intensive and extensive cultivation of paddy is possible so as to make the total outturn of paddy in Travancore self-sufficient.

For intensive cultivation, we require the following essential ingredients. The farmer should not be a beggar. He should never be under the iron clutches of Shylocks. He must have the necessary agricultural implements and sufficiently healthy bulls to plough his lands at the proper time. He must have his own seeds. He must have sufficient facilities to visit his lands as often as possible. I am strongly of opinion that many farmers are without good bulls and seeds of their own, and good roads for agricultural purposes are wanting in many places.

The next important thing for intensive cultivation of paddy is that lands in the same blocks should not be uneven; for when lands are uneven there is no use of manuring them as the manure is apt to be washed away. The land should be impervious and should not be porous, for the latter land will not retain the manure. And I need not submit that all lands in mountainous tracts which form the major portion are loose and porous, and so unable to retain the manure.

For intensive paddy cultivation, there should be very little rainfall in the area under cultivation. The yield will be very poor in places where there is continuous rain from the time of sowing up to the time of harvest. In Travancore, for example, the sowing operation will be over before the end of Medam and the rain begins in Edavam and continues almost up to the end of Karkadakam when harvest begins, and consequently the lands do not get sufficient heat for proper development. We can invariably see all over Travancore that long before paddy shoots out, the tender growths, not being strong, fall down, and the result will be that such fallen growths will not yield any paddy at all. For good outturn again, the constant supervision, of the owner of the land is of paramount importance, and I am sure, Mr. Kochukunju Pillai will not deny the fact that many of our wealthy landlords scarcely visit their lands and he will not deny the fact that in his own taluk the ridges of paddy lands are so very narrow as not to admit the passing of a single individual.

உடையவன் கணணோடாப் பயிர் அழியும்.

If the owner does not supervise his own lands, ruin is assured. Another important thing for intensive cultivation is that the soil should be sufficiently made powdery and sufficiently heated before the seeds are sown. On account of constant rain in Travancore, both are impossible.

For intensive cultivation, lands should be level, the owner's supervision is highly necessary, and the option of watering the land should be entirely under the control of the owner, so as to enable him to decide when

to water and when not. The intensive productive capacity of the soil in South Travancore has become fruitless because of the excessive percolation of water into old lands from the newly cultivated lands at the elevated tracts. Intensive cultivation in Travancore will not be possible, as in the neighbouring districts of Tinnevelly, Madura and Trichinopoly, which are in the same latitude, because the lands in these latter districts are level lands and they are supplied with water from Travancore and Malabar. If lands are properly levelled, ploughed, manured and watered only when water is required, they may be made to yield more, and these are works to be done by the owners of lands and not by the Government. Of course, the Government may be requested to work for the proper supply of water where water is wanting and to provide sufficient drainage where there is much water.

As for extensive cultivation, we have not proper lands for the same. Of course, there are swampy areas in mountains ; but to make them fit for paddy cultivation is a very difficult task, and even when they are made to yield, the gathering of the crop is exposed to several dangers, *viz.*, destruction by wild beasts and birds. Only big capitalists can venture to undertake such works and they are rare in Travancore. To extend paddy cultivation to places under water in the Purakkad *kari* mentioned by some of the members, I have my serious doubts as to the drainage question. If all lands under water are brought under paddy cultivation without solving the important question of drainage during heavy floods, the fate that the salt licensees in Travancore had during the last cyclone will be repeated when lands are reclaimed from water in Ambalapuzha and other taluks. Thus it will be seen there is not much scope for extensive and intensive cultivation of paddy in Travancore owing to natural disadvantages.

Under the above circumstances, I beg to submit that a committee of the type suggested by Mr. Kochukunju Pillai is unnecessary as it will not end in any good results. What I beg to suggest is the following. Each member on this side of the House should lead the proprietors of the lands in each taluk and form agricultural associations with the Tahsildar as the President and the association should meet in the head-quarters at least four times in the year, and they should find out the various means of improving their lands so as to make them fit for intensive cultivation, and also find out lands in their own taluks fit for paddy cultivation, and submit their proposals for proper examination and help from the Government, and the proposal should go through the revenue collectors of each division to the Land Revenue Commissioner first, and finally to the Government. District associations may also be formed with the Dewan Peishkar as their head and two members from each taluk association may be selected for forming the district association, and the district association shall be made ordinarily to meet twice a year to concert measures affecting the whole division.

MR. A. HOOGEWERF (*Nominated*): Is the committee suggested by Mr. Kochukunju Pillai not intended to make suggestions to the Government ?

[Mr. C. P. Kochukunju Pillai.]

MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram* cum *Shencottah*): Of course it is intended to make such suggestions. But it is not necessary in the light of the facts that I have suggested.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know from Mr. Subrahmanya Karayalar whether he has made, in the shape of a publication, any contribution to the science of agriculture.

MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram* cum *Shencottah*): That does not arise here.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): It may not. I want only information.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I am glad to find that the principle of my resolution has been accepted by all without any exception. The only point of difference between myself and three or four members on this side of the House is that the appointment of a committee, as suggested by me, is not necessary.

Mr. Paramesvaran Pillai, the official member, said that it was not necessary to appoint a separate committee to investigate the lines of paddy cultivation I suggested. He further told us that the Agricultural Department was doing what I wanted and that the question was also taken up by the Economic Development Board, and that they had prepared a scheme and sent it up to the Government for consideration. I am not satisfied with what they have done with regard to this question. The Agricultural Department has got multifarious duties to attend to. He has told us also that the Agricultural Department has tried to supply manure which, as I have already stated in my first speech, is very costly, and as such our poor ryots are not in a position to purchase. He then referred—and I also referred to it—to the question of the supply of manure. The Government have themselves changed their opinion in the matter. Then again, he said that he had analysed certain soils in certain places of the country. He also spoke of the Economic Development Board. The Economic Development Board sat once or twice to consider the question and drafted a scheme. My question is whether the members of the Economic Development Board have gone to the several taluks of the State and ascertained directly from the people and have inspected the several *elas* or fields in particular localities in order to ascertain the defects that exist in the paddy cultivation in those taluks. They have also not ascertained what the remedial measures that have to be suggested are. My case is that the whole question of paddy cultivation has to be taken up by a separate body who have to sit exclusively for the purpose of investigating the various aspects bearing on that question. The question pointed out by Mr. P. K. Narayana Pillai has to be gone into and it is not within the scope of the Agricultural Department or the Economic Development Board. The Economic Development Board have no time to devote all

its attention exclusively to this question. They have also very many other duties to bestow their attention upon. So, now, as to what has been done by the Economic Development Board and the Agricultural Department I will only recall to my memory what has been said by Messrs. Mammen Mappillai and P. K. Narayana Pillai. Mr. Mammen Mappillai has expressly and boldly laid down before the House the fact that the demonstration of paddy cultivation made in his own land was not at all satisfactory. On the other hand, it has not been to the benefit of the ryots at all. It is not merely the want of manure that is the cause of the failure of crops. The question has to be gone into in a more detailed manner. Of course, I have already dwelt upon this question in my first speech and I do not want to repeat that again.

Then again, the very fact or circumstance that only ten or fifteen cents of land are available for the use of each man in the State strongly proves the absolute and immediate necessity of a committee being appointed to deal with the whole question on the lines that I have already suggested. Mr. Karayalar has delivered a long speech in which he has referred to the nature of paddy fields in *his* taluk as well as *mine*. I assure Mr. Karayalar that the condition of the paddy fields in my taluk is so deplorable that it is due to that also that I have been forced to move such a resolution in this Council. We are suffering very much on account of the poor condition of paddy cultivation in our taluk. I know that the irrigation work with regard to my taluk is entirely neglected. I have pointed out the fact to the Dewan himself once. There is a one-sided canal for an *ela* which covers about 2,000 or 3,000 acres. I have not known whether the Agricultural Department or the Economic Development Board have considered anything about that canal at all. If we examine the question in this way, we will find that the irrigation canals and tanks of the different parts of the country are in a very deplorable condition and I am sure even the members who did not join with me in the appointment of a separate committee to deal with this whole question will certainly agree with me. I am sure Messrs. Daniel, Lakshmana Pillai and Nidiry who accept the principle of my resolution, but say that a separate committee need not be appointed, will also agree with me if they come to know of the very deplorable condition of the several irrigation tanks and canals of the State. I know there have been many representations in the Sri Mulam Popular Assembly for the appointment of a separate committee for the purpose. I think Mr. Khadir Pillai in the 17th session of the Assembly moved for the appointment of a separate committee to deal with this question. Sir, the Agricultural Department is doing something. I did not forget to mention that in my first speech itself. The Economic Development Board also considered the question once. That also I am not unaware of. But my point is that the whole question of paddy cultivation, how far it can be extended, and how far it can be improved, are matters that have to be looked into. It is for that purpose that I moved for the appointment of a separate committee.

[Mr. A. Hoogewerf.]

Mr. Mammen Mappillai said that the question of improvement might be enquired into or investigated by deputing the Director of Agriculture or one or two Executive Engineers. I do not ignore their presence on the committee. Of course, they are the proper persons for the purpose. If any committee is to be appointed they are sure to be members of that committee. I do not want a committee excluding these persons. As a matter of fact, the committee should consist of experts like Mr. Paramesvaran Pillai, Dr. Kunjan Pillai and the experts of the Public Works Department such as an Executive Engineer or Assistant Engineer or even the Chief Engineer. I have absolutely no objection to having them as members of the committee. Along with them, some of the non-official members may or may not be added. My point is not with regard to the nature of the committee or the sort of members constituting it. I only want a committee specially deputed for the purpose of investigating the whole question of paddy cultivation. That is my position. All the members who did not speak in favour of a separate committee said, I think, that there must be a body of men to look into the question. I do not see why under such circumstances a separate committee should not be appointed. We have had a committee called the Scholarships Committee. We have had a committee for the Press. We have had another for the Workshops. These are matters which are much less important than the question now under discussion. I think it is only just and fair and reasonable for me to move such a resolution in this Council and to request my friends on this side of the House to accept my proposal and vote for me.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Sir, we do not come to definite conclusions merely after a chemical examination of the soil. We begin with the chemical investigation, and, after finishing that, we resort to field experiment. When we go to a particular area, first of all we survey the whole area correctly, and then collect samples of soils which we then analyse. We thus find out the defects in the soil and recommend suitable manure. Of course, in some cases the result of the experiment and the consequent recommendation may not be successful at the first instance. Then we make new suggestions and see that the whole thing is done successfully. As Mr. P. K. Narayana Pillai observed, it is not by chemical analysis alone that we make these recommendations.

I did not say that there was no biologist here. There are people who have sufficient knowledge of biology. I myself know biology. What I said was that a bacteriological investigation was necessary. Bacteriology is also a branch of biology. It is bacteria that chiefly affect the *kari* soils. It is therefore absolutely essential to have an expert soil-bacteriologist to carry on investigation for a biological study of the soil.

MR. A. HOOGEWERF (*Nominated*): I beg to know from the member what became of the experiments made in the fields of Mr. Mammen Mappillai.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I am coming to that. I am just referring to the experiments conducted in the *punja* lands at Alleppey. The major portion of the *punja* lands there are cultivated only once in two years.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is not quite correct.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): There are some portions which are cultivated annually and others that are cultivated only once in two years. There is a canal running from the small bridge on the eastern side of the Ambalapuzha temple and going right up to *Chunkam* at Alleppey. The whole block of land lying on the western side of that canal is cultivated annually. The block of land on the eastern side is cultivated once in two years and in some cases only once in three years. The latter class of lands are mostly in the area which lies on the eastern side of the Pallatturutti river. Many ryots of Kuttanad told us: "There is the Agricultural Department. Why do you not improve the condition of our lands and help us to cultivate our lands annually? We cultivate them only once in two or three years. Why does the department not choose a small block in the area and demonstrate to us the proper method of cultivation in order to enable us to benefit by the results of the demonstration"? Accordingly, we acquired thirty acres of land for demonstration purposes. We were cultivating it annually, and our experiment proved a success. The usual *pattam* in the surrounding area is about 2½ to 3 *paras* for one *para* of land.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): A word of personal explanation, Sir. I am cultivating the whole of my land annually, and I have about 300 acres there. I requested Dr. Kunjan Pillai to conduct experiments in 30 acres of my land. He applied different kinds of manure. I have to say with very great regret that the yield in the experimental plot was not at all greater than the yield in my other lands which surrounded it which I cultivated in the usual method. The results in the area in which Dr. Kunjan Pillai applied different kinds of manure were not in any way superior to those in the surrounding area. Mr. Paramesvaran Pillai knows the whole thing because he himself has come to the spot. There is a general impression that I have been greatly benefited by these experimental operations. That is not true. I only lost every year Rs. 300 or Rs. 400 in the purchase of manures suggested by the Department of Agriculture. But I have greatly benefited by Dr. Kunjan Pillai's advice that lime is very good to neutralise the acidity of Kuttanad soils. Though this advice was at first derided by the ryots, they have now become convinced of its truth, and the use of lime in *punja* lands, till then unknown, is now steadily extending.

PRESIDENT: Are you not cultivating your lands annually now?

[Mr. K. Paramesvaran Pillai.]

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Yes; but it is because I have spent more capital and carried out better ploughing and drainage than my neighbours. I cannot say that the results I have obtained are commensurate with the expenses I have incurred or such as to induce other ryots to follow in my wake. I am not at all blaming Dr. Kunjan Pillai as he warned me at the outset that the results might prove disappointing. But since I was pointedly asked about it, I have taken this opportunity of emphatically dispelling the notion that Dr. Kunjan Pillai has enormously enriched me at Government expense. I have paid for every pound of manure supplied to me.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*) Sir,—

PRESIDENT: He is only explaining. You cannot put a question to a member who is only offering an explanation. You can put a question only to the member who is in possession of the House.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I may ask Mr. K. Paramesvaran Pillai, Ag. Director of Agriculture and Fisheries.

PRESIDENT. You may very well ask him. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Has Mr. Paramesvaran Pillai perused the Administration Report of 1097—that particular portion which alludes to Mr. Mammen Mappillai's affair?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I shall read it. It deals with the *punja* cultivation farm at Alleppey.

"The experimental cultivation of 30 acres of *punja* lands at Alleppey, which was started in 1093, was continued on the same lines as in the previous year and completed in the year. The total yield was 3,974 *paras* or 132 *paras* per acre of land and the total net profit was Rs. 961-24-1 or Rs. 32-1-12 per acre. The experience of the last 5 years has demonstrated that a successful yearly crop can be raised in *punja* lands which are usually cultivated only once in 2 or 3 years."

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I have perused it and I am just going to explain that.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to further ask whether the thirty acres are those alluded to by Mr. K. C. Mammen Mappillai.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I think so. Anyhow, we have demonstrated to the ryots of Kuttanad that, by the judicious application of lime and manure, the *punja* lands which are at present cultivated every other year or once in three years could be cultivated annually. I think the experiments were conducted continuously for the last five years and the results we obtained have to our minds proved quite successful.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I may also say that with Dr. Kunjan Pillai's concurrence after five years I gave up the use of manure and came to the conclusion that there was no necessity to continue the use of these manures.

PRESIDENT: The question has been put by Mr. Velu Pillai and he probably wants to know whether the statements are correct.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I will ask another question. I wish to know if Mr. Mammen Mappillai, who is the owner of the land, by word or deed, objected to this portion of the Administration Report on the ground that it was untrue.

PRESIDENT: How can he object? I do not think that this question is admissible.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Mammen Mappillai admits it? If he does not admit, I shall not ask the question. As Mr. Mammen Mappillai says he has not read it, I do not press this. I wish to further ask whether the statement in the Administration Report is correct.

PRESIDENT: That you are entitled to ask.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is the statement in the Administration Report correct and based upon facts?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Certainly.

MR. A. HOOGEWERF (*Nominated*): I want to know whether the statements made by Mr. Mammen Mappillai or those contained in the Administration Report are correct.

PRESIDENT: I must disallow that question.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I had a good deal of talk with Mr. Mammen Mappillai; and I think, for the first time, towards the end of 1089, I told him that in my opinion there was no necessity for applying large quantities of manure. But if we applied lime at the rate of 1,500 lbs. per acre that would be all right. Again I said that the soil in Travancore is very poor in phosphoric acid and the analysis conducted showed that in Kuttanad soil, small doses of phosphates would yield very good results. Then we tried, by the application of manure, whether there would be large increase of yield by using different kinds of manures in different places. The result only shows that, in soils of that type, if we apply lime we need not apply any manure. That is the inference we have drawn.

Not only has the Agricultural Department taken up this question. The Government also are doing all that is necessary. The Irrigation Department, the Forest Department, the Revenue Department—all these departments have joined together and taken up this question

[Mr. C. P. Kochukunju Pillai.]

in right earnest and they are doing everything they can for extending paddy cultivation both intensively and extensively. Mr. C. P. Kochukunju Pillai has said that the committee he proposed would consist of officers from the Development Departments as well as some other members. We have got the Economic Development Board which consists of heads of all the Development Departments and some non-official members who are competent to discuss this question. If anybody wants to make any suggestion to the Development Board in regard to the improvement of cultivation of paddy he is quite at liberty to do so, and the Economic Development Board which consists of official members as well as non-official members will discuss the question. The Board is competent to discuss the question from various standpoints. Then, why go in for a new committee? The *personnel* will be the same. Even if we are going to appoint a new committee, all the heads of the Development Departments will be there. There is one Engineer to give expert opinion on matters relating to minor irrigation works. Of course there are other members also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the Economic Development Board in the habit of taking evidence by investigation?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): If necessary, they will collect evidence by consulting persons who know the conditions of each locality.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have they ever taken evidence?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Whenever necessary they have taken evidence. Even if a committee is appointed all these people must be there.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In regard to paddy cultivation in the State, has the Development Board collected any information?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Yes, it has.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): What is the nature of the information collected?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): They have collected full statistics in regard to the area under paddy cultivation, and the average yield from one acre and the total output. If you want I shall give all the details.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether there was any failure of crops in different *elas* in the different taluks of the State?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether you are in possession of information regarding the condition of the different *elas* in the different taluks in the State and how the crops have been failing in those *elas*?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): When they have had any doubt in regard to these things, they might have consulted people who are in possession of the information.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Are we to presume that the Board has collected no information about paddy cultivation and its failure?

PRESIDENT: It does not follow from his reply.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I shall read a portion of the proceedings of the Board. It runs as follows:

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have they made any estimate of the cultivable land, but not as yet under cultivation?

PRESIDENT: I do not think they have.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Yes, they have.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the extent of such lands?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I cannot tell you off-hand.

PRESIDENT: Have you anything more to say?

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): Mr. Govinda Menon referred to the increasing demand of tenants for reduction of rent.

PRESIDENT: It was Mr. Changanachery Paramesvaran Pillai who referred to the increasing demand for reduction of rent.

MR. K. PARAMESVARAN PILLAI (*Ag. Director of Agriculture and Fisheries*): I beg your pardon. That is no conclusive proof as regards the reduction of output. That may be due to rise in the wages of labourers. It may also be owing to the springing up of new industries and new activities.

PRESIDENT: Do you, Mr. Kochukunju Pillai, wish your motion to be put to the vote?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Yes, I press for it.

The resolution was put to the vote and lost, 15 voting *for* and 21 *against*.

[Mr. N. Ramakrishna Pillai.]

A poll was demanded and taken with the following results:—

AYES—16.

Mr. T. M. Chidambaratanu Pillai.
,, A. Govinda Menon.
,, A. Hoogewerf.
,, M. K. Khadir Pillai.
,, T. K. Velu Pillai.
,, N. Ramakrishna Pillai.
,, C. Sankara Menon.
,, P. K. Narayana Pillai.
Mr. Joseph Panjikaran.
,, K. Paramesvaran Pillai. (*Tiruvalla*).
,, M. N. Pillai.
,, M. R. Madhava Variar.
,, V. Kunjukrishna Pillai.
,, T. Kumara Pillai.
,, C. P. Kochukunju Pillai.
,, K. Dominic Tomman.

NOES—22.

Mr. I. C. Chacko.
,, Paul V. Daniel.
,, Dhanukoti Pillai.
,, K George.
,, L. C. Hodgson.
,, R. Krishna Pillai.
Dewan Bahadur Dr. P. N. Lakshmanan.
Rev. Fr. Kuriakose Vettikkapalli.
Mr. K. C. Mammen Mappillai.
,, P. Paramesvaran.
,, K V. Natesa Aiyar.
,, J. John Nidiry.
Mr. S. Paramesvara Aiyar.
,, K. Paramesvaran Pillai. (*Ag. Director of Agriculture*).
,, L. R. Raja Raja Varma.
,, C. Ramankunju.
,, W. H. Pitt.
Rao Bahadur K. V. Rangaswami Aiyangar.
Mr. S. C. H. Robinson.
,, V. Subba Aiyar.
,, S. Subrahmanya Karayalar.
,, A. J. Van Ross.

The resolution was declared lost.

The Council adjourned for lunch at 2-15 P. M.

The Council met again at 3-5 P. M.

Appointment of a Committee to Examine the Working of the Department of Ayurveda.

PRESIDENT: The next resolution stands in the name of Mr. N. Ramakrishna Pillai.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, I beg to move the following resolution :—

"*This Council recommends to the Government that a committee of official and non-official members be appointed to examine the working of the Department of Ayurveda and to suggest measures for its further encouragement and expansion.*"

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I cannot hear what the member says.

PRESIDENT: Mr. Ramakrishna Pillai, you are of course expected to speak from your seat. But if the House has no objection, you may take the seat next to Mr. Kunjukrishna Pillai and speak.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes, I thank you, Sir.

I do not think it necessary to discuss the general efficacy of the Ayurvedic system of treatment or its merits and demerits as compared

with western systems of medicine. The necessity for its encouragement has long been recognised by the Government and the popular faith in this system of treatment has never been shaken. It was in 1071 that a regular system of medical grants to Vaidyasalas was sanctioned by the Government. The Vaidyasalas were placed under a committee of two leading native physicians appointed by the Government, to whom all applications for grants were to be referred and whose duty was to advise the Government on all professional and other matters connected with the Vaidyasalas. They were each allowed an honorarium of Rs. 35 per mensem. In the following year, the system of grants-in-aid to the Vaidyasalas was improved and extended and rules were passed prescribing the conditions of grants and the duties and responsibilities of applicants for the same. There were 28 Vaidyasalas receiving grants in 1072, 68 in 1082, 73 in 1092, 81 in 1097 and 72 in 1098. The greatest encouragement sought to be given to indigenous treatment by the Government was by this system of grants-in-aid. At the end of 1093, on the retirement of Mr. Paramesvaran Muttatu, who was then the Superintendent of Vaidyasalas, Mr. Sankara Menon was appointed the head of the department and designated Director of Ayurveda. The question of improving the usefulness of the department was immediately taken up by the Government; and on the advice of the new Director, who was well fitted for it on account of his high attainments and ability, a thorough reorganisation of the department was effected. The main features of the reorganisation were the revision of the curricula of studies in the Ayurveda Patasala, the opening of a botanical garden for the cultivation of medicinal plants, and the establishment of an Ayurveda pharmacy and an Ayurveda hospital and dispensary at Trivandrum. The dispensary was opened on the 18th of Karkadakam, 1093, and the botanical garden in Makaram, 1094. The garden continued to be worked till the end of 1096. In 1098 there was a revision of the scale of grants to the grant-in-aid Vaidyans, and a detailed syllabus of studies for the various Government Ayurveda examinations was also published. The reorganisation of the Vaidyasalas resulted in the elimination of "useless Vaidyans" (to quote the words of the report) and the abolition of "defunct Vaidyasalas." The total number of Vaidyasalas thus came down from 81 to 72.

The progress of the different branches of the department and the necessity for enquiry in regard to them may now be examined.

There were 72 Vaidyasalas in 1092 and the total number of patients treated in these Vaidyasalas was 1,40,045. The expenditure incurred during this year was about Rs. 17,392. In 1097 the number of patients treated in the 81 Vaidyasalas then existing was 1,80,431 and the amount spent was Rs. 14,100. Though the total number of the Vaidyasalas was reduced in 1098 from 81 to 72, the total number of patients increased to 1,90,837, and the amount, according to the revised estimate for 1098, is Rs. 15,300. We thus see that during the period from 1092 to 1098 the number of Vaidyasalas decreased by 2 per cent., as also the grant by nearly 12 per cent. though there has been a steady increase in the number of patients by 36 per cent. There have been several complaints regarding the way in which some of the Vaidyasalas are conducted

[Mr. N. Ramakrishna Pillai.]

and there have also been several demands for the establishment of Vaidyasalas in places where the people are put to considerable difficulty for want of a medical institution in their locality. We find that there has been absolutely no improvement in the matter of efficiency or of the extension of these institutions during these years. Even of the 71 institutions now existing, my information is that only about 15 Vydiasalas are conducted on up-to-date and useful lines.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Is the member aware that the number of Vaidyasalas has not been reduced but has been raised to 82 after the defunct Vaidyasalas have been eliminated?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I am not aware of it. My information is that the number of these institutions is reduced from 81 to 72. The work of medical relief is mainly conducted through the grant-in-aid Vaidyasalas in the State, the only institution directly managed by the Government being the hospital and dispensary at Trivandrum. And since the reorganisation of 1093, this hospital with its dispensary is the only additional establishment to which the Director has to devote his attention. We find that absolutely no improvement whatever has been made in this branch of the department. The work of supervision, so far as these institutions are concerned, consists mainly in the inspection of these Vaidyasalas. Of the 72 Vaidyasalas now existing—I think it will be 82 according to the Chief Secretary—the Director has inspected, during the whole course of the last six years, 16 Vaidyasalas thrice, 17 Vaidyasalas twice, and 27 Vaidyasalas once only, while 12 Vaidyasalas have not even once been visited by him. Of the 16 Vaidyasalas inspected thrice, one is the Vaidyasala in Trivandrum itself and the remaining are all Vaidyasalas north of Trivandrum and situated on the way. Even the Turavur Vaidyasala, which is a little away from the route, has not been examined. Of the 17 Vaidyasalas examined twice, 2 are Vaidyasalas in Trivandrum and only 3 south of Trivandrum, of which one is at Cape Comorin and the other two are on the way to it. Of the 27 institutions inspected once, 5 are south, and the rest north, of Trivandrum. All the 12 Vaidyasalas which have never been inspected even once are north of Trivandrum and away from the route. The Government order reviewing the Report of 1098 says:

> "The number of days for which the Director was in camp is very low compared with the previous three years. While he was in camp for 40 days in 1095, the number of days spent by him in camp fell to 34 in 1096, 16 in 1097 and 10 in 1098. This is unsatisfactory and the Government hope that in future he will spend more time in camp on inspection duty."

An Inspector on a pay of Rs. 40, which is less than that of the head clerk of the department, appears also to have been appointed. Why a special Inspector should at all have been appointed is not clear. The Director has no teaching work to attend to in the college and he has no need to be in the hospital. In fact the important work of the

Director consists in the supervision of the institutions in his charge. A thorough enquiry in this branch of the department appears to be necessary and suggestions for improvement should be called for.

In 1092 the amount spent on the Patasala in Trivandrum was Rs. 5,113 and in 1098 the expenditure was Rs. 7,100, besides a grant of Rs. 220 for two private Patasalas. In this branch also, there has not been very much improvement though the curricula of studies seem to have been changed once or twice. There are no published rules for regulating the admission of students. The question of retaining grant-in-aid Patasalas, and if so, whether the encouragement given to these is sufficient to enable them to be properly conducted on up-to-date lines, has also to be considered.

By their Order dated 1st Mithunam, 1093, the Government sanctioned the opening of a pharmacy in Trivandrum and a sum of Rs. 1,500 was sanctioned for the purpose, of which Rs. 500 was for the manufacture of medicines. It was directed that the pharmacy was to confine its work to the practical training of pupils in the Patasala and to the supply of medicines for the hospital and dispensary. A botanical garden was also opened in Makaram, 1094. In Vrischikam, 1094, sanction was given for the manufacture and sale of medicines to the public. An advance of Rs. 4,000 was made for the purpose and the money was returnable as a debt. This advance has since been increased to Rs. 20,000 in 1098. The medicines were directed to be sold at *cost price* till the Government ordered in 1095 to fix a profit of 5 per cent. on the cost of medicines sold to the public. This order was again revised in the following year and the medicines were directed to be sold at 10 per cent. profit. This is the order now in force. The pharmacy is a purely commercial concern. Complete accounts should not only have been maintained as directed by the Government, but at least a summary of the accounts should have been published annually and a sale list of medicines should also have been published. But in spite of orders specially given by the Government, no proper accounts seem to have been maintained. It is also remarkable that till 1098 no audit of any accounts kept seems to have been conducted. Questions have been asked in this House about the accounts and their audit with respect to this pharmacy and the result of the audit conducted in Vrischikam, 1098. The answer is that the matter is still under the consideration of the Government and that no final orders have been passed. It is impossible to say whether the pharmacy is a successful business. The information is that there is no uniformity in the rates of payment for the purchase of articles for the preparation of medicines, no fixity of the quantity required for the purpose, that the prices paid by wholesale traders are far higher than those paid by retail merchants, and that widely different rates are paid to different persons on one and the same day in respect of the purchase of one and the same article. It is only reasonble to expect that articles used in and for the preparation of drugs, etc., should have been sold after use and the proceeds credited. But no such sale, so far as we are aware, has been conducted in the pharmacy. The articles required in the pharmacy are

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purchased directly from the bazaar men. No tender for the supply of articles is called for, and the rates paid for purchase of articles appear to have been exorbitant. Medicines are supplied even to the Palace by contractors; but, in the pharmacy no such course is adopted. Not only are exorbitant rates paid, but conveyance charges for taking articles to the pharmacy are also incurred in addition on account of this system of purchase. It is not clear why a contract system of purchase has not been adopted in the pharmacy and the direct purchase system is continued. Arrangements should have been made for the supply of articles by contract after due notification in the *Gazette*. We have absolutely no information as to what the balance in stock at the end of each year is. There is no sale list of medicines—at least no such list has been published. We are not in a position to say what the variations in the prices of medicines now supplied are. If a price list had been published we would have been in a position to know and compare the prices of medicines sold in the pharmacy with those procurable elsewhere. There is no information as to the amount of medicines supplied to the hospital. A business concern like the pharmacy has to keep accounts of its assets and of everything else; and being a Government institution it ought to have served as a model for private pharmacies. It seems to us that the Government must have incurred serious losses owing to all these causes without at the same time benefiting the public in the least. It is well-known that the quality of medicines sold at the pharmacy is inferior as compared to those supplied by private pharmacies. There has been a noticeable decline also in the sale of the medicines in the pharmacy since 1096. It is not at all a sufficient test of the efficiency of the pharmacy that the money advanced by the Government is returned.

Apart from all the intrinsic defects of management noticeable, there are other very serious drawbacks in the maintenance of this pharmacy which require careful consideration by the Government. It does not appear to be a good and sound policy for the Government to undertake a trading business like the pharmacy. It consumes so much of the attention, time and energy of such a high-paid officer like the Director, and, to a certain extent it accounts for his slackness in the work of supervision I have alluded to in connection with the grant-in-aid institutions. The question whether the maintenance of a pharmacy is an encouragement given to the Ayurvedic system of treatment is itself a very doubtful one. The only direct use of such a pharmacy is the supply of medicines to the hospital, but this purpose can very well be served by the purchase of the necessary medicines from well-recognised firms like those in Calcutta and other places. Such medicines like decoctions as require to be made on the spot need alone be made in the pharmacy. Even at present the patients treated in the hospital are purchasing medicines from private pharmacies. The existence of this pharmacy is an impediment to the improvement that has to be effected in other branches of the department. While great credit is due to the Director for organising and conducting a hospital and dispensary, it appears to be a loss to the

Government to allow the Director to be occupied with the business of a pharmacy for the sale of medicines. Whether the retention and continuance of the pharmacy is necessary and, if so, how it has to be improved, are all questions which require detailed examination.

The progress of the hospital and dispensary also is not encouraging. There is a fall in the number of in-patients and out-patients receiving treatment from the hospital. The hospital and dispensary are maintained at an expense of Rs. 11,400 according to the revised estimate of 1098. The establishment of the hospital was really a progress in the right direction and it was very largely availed of by the people as is seen from the fact that more than 10,000 people had sought relief from the hospital during the first five months after its establishment. But there has been no progress since then. On the contrary, the number of patients has begun to decrease. There is an impression that the decoctions and other medicines sent to the hospital are not of good quality. Instead of retaining the most experienced Vaidyan in this hospital there seem to have been frequent changes there which might also account for a fall in the number of patients.

It is a matter for enquiry whether a few more hospitals and dispensaries could not be established, at least in some of the most important centres of the State. Statistics show that 60 per cent. of the population in Trivandrum receive medical relief, of which 48 per cent. receive it from allopathic hospitals and 12 per cent. from the Ayurveda hospital. The hospital at Alleppey is able to afford relief only to 23 per cent. of the population of the taluk. The Quilon hospitals afford relief to 25 per cent., Kottayam 23 per cent., and Nagercoil 15 per cent. of the people in the respective taluks. This shows in what an advantageous position Trivandrum is as compared with other places. A programme of starting Ayurveda hospitals in some places, especially where the percentage of relief afforded is small, requires consideration by a committee. It is well-known that medical relief along western lines reaches but a very small percentage of the people. The majority of the people do still resort to the Vaidyans of the country. This is especially so in the case of the poorer classes of the people. Probably, some of the major municipalities at least may be asked to contribute to the maintenance of hospitals within their limits. There are several other suggestions that could be made for the improvement and extension of the Ayurvedic system of treatment. All these are questions which could be considered carefully by a committee and there is every reason to hope that useful results will follow from such an investigation. The subject of Ayurvedic treatment itself is receiving the most careful investigation all over India. Much useful information is likely to be obtained from what is going on outside Travancore. The extension and improvement of the grant-in-aid system, the improvement of Ayurvedic instruction, the extension and improvement of the hospital, the question of maintaining the pharmacy, the maintenance of a botanical garden, are all questions which can be considered only by a committee after careful enquiry. It is surprising to find that, in spite of the fact that several departments of the State

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have codified rules for their own guidance and the guidance of the public, no such attempt has been made in this department. Some arrangement should also be made for the framing and publication of rules for the instruction and guidance of the departmental employees and the public. An enquiry for the purpose of removing the existing evils and for the purpose of suggesting methods for the extension and improvement of the Ayurvedic system of treatment appears to me to be absolutely necessary under the present circumstances; and I, therefore, move this resolution for the acceptance of the House.

PRESIDENT: Does any member second the resolution?

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): I second it.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, though the system of grants-in-aid to Vaidyasalas has been in existence since 1071, the Department of Ayurveda as such was organised only in 1093, *i. e.*, after the present Director took charge of it early in that year. During this brief period, it has done much useful work. The Ayurveda Patasala has been converted into a college and two Ayurveda grant-in-aid High Schools have been newly opened. The syllabus of studies in the Ayurveda College has been revised on scientific lines to suit modern requirements. Arrangements have been made for anatomy and physiology being taught in the college on modern lines. The system of public examinations has been revised and improved. The grant-in-aid Vydiasalas have been thoroughly reclassified, the useless ones being eliminated, their number raised from 72 to 82 and the scale of grants suitably revised and enhanced. Government have also promised to raise the maximum number to 120 gradually.

MR. A. HOOGEWERF (*Nominated*): When was it raised from 72 to 82?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): This year. Orders were passed last year but effect was given to them only in 1099. An Inspector has been appointed to periodically inspect these institutions and see that they are properly and efficiently conducted. An Ayurveda hospital and dispensary has been established in Trivandrum. An Ayurveda pharmacy has also been opened for the preparation of Ayurvedic medicines and their supply to the hospital and sale to the public at comparatively cheap rates. The average cost of the medicines so sold to the public during the past five years is over Rs. 10,000. Arrangements have been made for a course of practical training being given to the students of the college in the actual preparation of medicines in the pharmacy. The number of patients treated in the Ayurveda hospital rose from 889 in 1093 to 24,966 in 1098. My friend the mover was saying that the number has been steadily going down. I think that is not correct. The number of patients treated in 1093 was 889; in 1094 it rose to 23,687; in 1095 it was 25,161; in 1096 it was 29,151; and in 1097 it was 30,850.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I was quoting the figures for grant-in-aid institutions.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know whether there is any truth in the report that money is spent without proper accounts?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No. I am coming to that. The number of patients treated by the grant-in-aid Vaidyans also rose from 1,45,255 in 1093 to 1,90,837 in 1098. Steps are being taken for the collection and publication of rare books on Ayurveda which have not yet seen the light of day.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was any work published?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No; steps have beeen taken to publish rare works.

Now, this is not a bad record for a department which has been in existence only for six years. I do not claim perfection for the department. I do not deny that there may be defects in the working of the department. For instance, an examination of the accounts of the Ayurvedic pharmacy by one of the Assistant Account Officers in 1098 disclosed certain defects in the system of accounts maintained in the institution, and steps are being taken by the Government to improve the system.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was that the first time the institution was inspected?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. It was only opened in 1095.

Such defects are incidental to every institution, especially in the earlier stages of its development. These defects cannot continue long but are bound to disappear in view of the vigilance which this Council is exercising over the working of the several departments of the State.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Was there any proper direction given as to the way in which account-keeping should be done?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Accounts were kept. The pharmacy was asked to keep accounts, but the forms were not specifically prescribed. This will be done.

Hence there is no reason or justification for the appointment of a committee to examine the working of the Ayurveda Department on its administrative side. To appoint a committee to overhaul the department in its infant stage would be like putting a plant into the soil and after a few days pulling it out to see if it has taken root.

If the object of the proposed committee is to offer advice on the professional or technical side of the department, there will be serious difficulties in organising a committee for the purpose and securing experts to serve on it. I do not deny there are renowned Ayurveda Vaidyans in Travancore and other parts of Malabar, but I am not sure if they possess that wide culture and comparative knowledge of other systems of medicine which alone would enable them to offer any useful

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advice as regards the technical side of the department. For that purpose, we want men like Dr. Lakshmipati of Madras or Dr. Gananath Sen of Calcutta. But they cannot be easily had. Nor is it essential to indent on the services of such men. The report of the committee appointed by the Madras Government some time ago to enquire into the indigenous systems of medicine contains valuable suggestions as to the improvement of the Ayurveda system of treatment. The report of a similar committee recently appointed by the Bengal Government will be a valuable addition to the literature on the subject. For these reasons, I consider that the appointment of a committee to advise on the technical side of the working of the department is also unnecessary.

As I said before, I do not deny that there are defects in the working of the department, but they are bound to disappear. In any case, the defects are not so serious as to necessitate the appointment of a committee for their removal. For these reasons, I oppose the motion.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I want to know whether there is any truth in the statement made by Mr. Ramakrishna Pillai that the accounts were not properly kept.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Only the *system* of keeping accounts was not satisfactory.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Was it only with regard to the *system*? Is the Chief Secretary in a position to assure this House positively that there was nothing unsatisfactory with regard to the accounts themselves?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes. There were two irregularities. One was that the store rules had not been followed in ordering the supplies. The other was that the prices paid were divergent.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Does it include paying higher prices for medicines? For example, suppose there is a particular medicine available in the Trivandrum market and purchased for His Highness the Maha Raja's Palace at a certain price. If the man sent to purchase the same medicine for the pharmacy pays ten times that price,—I mean I am only taking an extreme case,—is there such a kind of irregularity? If so, can you regard it as merely technical?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There has been payment of divergent prices. We have not standard prices for the articles.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Even in the case of ordinary articles purchased here by the Government, has there been in the opinion of the Government, very great disparity in the pric ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There have been variations in prices.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): When there has been a variation, has it been always in the direction of charging higher prices ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The prices have been high in some cases.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): May I know whether the variations have been higher than the bazaar rates ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In the case of some articles the prices have been high.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether any comparison has been made between the prices of the articles purchased for the Palace and for the pharmacy and whether there was any disparity ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There were differences.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I wish to know whether there was any disparity.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I said there was disparity.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Is the Chief Secretary in a position to say whether the Palace prices were lower than the pharmacy prices ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Unless every item is examined, I cannot answer that question.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether a proper system of accounts is maintained in the department.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): We are trying to improve the system of accounts.

MR. A. HOOGEWERF (*Nominated*): My I know whether there is any price list of all the articles ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Does the member mean drugs ?

MR. A. HOOGEWERF (*Nominated*): Yes.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No such lists have been published.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know whether the articles purchased from Calcutta are superior to the articles purchased for the Palace ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say. The Director says that the articles purchased were of the best quality.

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MR. JOSEPH PANJIKARAN (*Shertallai*): Were the articles purchased from Calcutta superior to the articles purchased for the Palace?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not in a position to say that.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Is it a fact that different prices were paid for the same articles purchased on the same day?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not sure.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether they are supported by vouchers?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, but vouchers are not obtained for petty purchases.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): I want to know whether the vouchers are from respectable and responsible firms.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I believe so.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): In the pharmacy, are they taking stock annually?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; the Director is expected to take stock every year.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether an improvement in the system of account-keeping can cure the kind of work and the large variation in prices?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; a strict enforcement of the store rules will improve matters considerably.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the Government have gone through the whole series of the variations of prices?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): We are going through them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have you not completed the investigations?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): May I know whether he has made any comparison between the prices charged for certain well-known preparations in and outside Trivandrum, in Madras and other places, and, if so, whether in the Trivandrum pharmacy prices are lower or higher for the same kind of medicines than in outside firms?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I said that no catalogue of medicines has been published, nor am I in a position to say—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was any comparison made with respect to the prices of the medicines sold here and elsewhere?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was the comparison made with respect to the sale by the Calcutta firms and that by the firms here?

Mr. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not know.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask how many times the Account Officer visited the pharmacy to inspect the records kept there?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Early in 1098.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether it was a fact that a tin of *maravatti* oil was purchased for Rs. 26?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; it was purchased at that high rate. But it was of superior quality.

MR. JOSEPH PANJIKARAN (*Shertallai*): What is the highest price for the most refined *maravatti* oil available in the market?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir, the Chief Secretary to Government is a gentleman who generally does not indulge in rhetoric; but, in opposing the resolution before the House, he said that the appointment of a committee to enquire into this important question was something like uprooting a plant which has been planted just a day before. I fail to see the logic of that argument. If this House, after listening to the speeches of the various members, after considering all the aspects of the question, the *pros* and *cons* of the whole matter, comes to the conclusion that there is something radically wrong in the Ayurveda Department, I am most emphatically of opinion that, in spite of the rhetorical device invented by the Chief Secretary to Government, we ought to have a committee appointed. The question then is, is there a sufficent justification? The charges that have been levelled against the institution are of a grave nature. From the questions that were addressed to the Chief Secretary, while he was speaking, I gathered that the good faith of some of the officers in the Ayurveda Department, their honesty and integrity, were seriously questioned. If, Sir, there is any justification for these serious imputations, I am in favour of

[Mr. T. K. Velu Pillai.]

appointing a committee. Mr. Ramakrishna Pillai has adverted to the various aspects of the question of Ayurvedic reform. The Chief Secretary's answer was to the effect that the number of Ayurvedic hospitals and dispensaries was steadily on the increase. An Inspector of Ayurveda on Rs. 40 is, to my mind, nothing short of an enigma. He is an officer who goes about the country inspecting dispensaries with the powers of bringing offenders to book. So he ought to be able to command the ordinary conveniences of life. Therefore I appreciate the force of that criticism levelled against the present arrangement by Mr. Ramakrishna Pillai. With regard to the question of prices, the Chief Secretary has assured us that there are variations and not disparities. Variations and disparities amount almost to the same thing. There may be a certain difference in degree. I am therefore of opinion that, if, on a perusal of the accounts of the Ayurvedic pharmacy, this Council comes to the conclusion that variations are unreasonable and unconscionable, that matter has to be remedied and an investigation into the cause of such variations will be surely welcome. Reference was made to the prices of articles which are being supplied to the Palace. I do not want to drag the name of the Palace in the course of the discussion. But I may say that the price that has to be paid for an article will depend upon the quality of that article. We shall not be justified in risking any presumption regarding the inferiority or superiority of any drug supplied to any institution. The quality of medicines has also been complained against. If the medicines manufactured in the pharmacy are not up to the mark and if the medicines sold by private agencies are distinctly superior in quality, that matter also requires investigation. There has been some idea on the part of some of my friends—I have gathered it in private conversations—that it is wrong to have a central pharmacy like the one that we have at the capital. I respectfully beg to take a different view. There are Ayurvedic physicians of great standing and respectability in various parts of Travancore. But on account of the vicissitudes of life, the very best of physicians do not largely trade in medicines; and the ordinary kind of Vaidyans who sell the medicines have an eye more to the profits they might make than to the quality of the medicines. I do not want to cast any aspersions on such Vaidyans; I only want to point out that, for the security of those who repair to Ayurvedic institutions—for the benefit of those who take to the Ayurvedic method of treatment—some central institution under the auspices and control of the Government should be maintained. But I am agreeable to the view that, if the present system of buying the drugs at a minimum charge from the pharmacy is wrong and if there is any justification for changing that method, that question may also be enquired into. Sir, it has been suggested that medicines may be obtained from firms outside the State. I cannot subscribe to that view. Consistently with the attitude of this Council in the matter of employing foreigners, we ought in ordinary cases to encourage home industries. We ought to be satisfied with

medicines that can be prepared under the guidance of the Government in Travancore or prepared by grant-in-aid Vaidyans. The method of preparation may also vary. The practice relating to preparation of medicines is not the same in Calcutta and in Travancore. For example, refined *kshirabala* is not known to the outside world so well as it is known in Travancore. There are also local variations. The articles may vary in their properties; and further there is the question of prohibitive transport charges, and we cannot be sure that the medicines supplied to us from distant Calcutta or the Punjab will be of good quality because we are even disposed to suspect the Government institution in the very heart of the capital. It will not be reasonable to argue that we should put our implicit faith in a distant firm merely because it is an outside firm. So my point is that there should be a pharmacy and there must be rules which ought to govern the way in which medicines ought to be manufactured there. There must be a proper system of accounting. There must be the responsibility of the particular officer and the position of the Director will have to be clearly explained; or in one word, all chance of the medicines deteriorating should be prevented.

I thought of talking on this subject mostly because I thought the accusations made against the department are so serious that we shall not be justified in being indifferent to them. I must admit that I was partly guided by the circumstances that the present Director is a person whom I know intimately. For the mere reason that the officer is known to me intimately, I do not want to be unjust to him. If these accusations are not proved, it will be a good thing for all parties. If, on the other hand, the accusations are proved, and if the Director has been guilty of intentional or wilful negligence, there would be sufficient reasons to justify an enquiry, and if the character of any of the persons concerned happens to be vindicated as the result of such enquiry, I would consider it a particular pleasure for the additional reason that I know the Director and some of the officers in the department very well. My point therefore is, if the House, after considering the various aspects of the case, is agreeable to the view that the state of affairs would justify the appointment of a committee, I am also for accepting that view. But at present I keep an open mind on the question reserving to myself the right of voting as I deem fit after listening to the other speakers.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): May I ask Mr. T. K. Velu Pillai whether the object of the committee is to enquire into the allegations against the Director? That is not in the original resolution.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I never said anything about the personal character of the Director.

MR. A. HOOGEWERF (*Nominated*): I had asked a series of questions on the working of the Ayurveda Department; and if the answers had been given to this House before this resolution had come up, we should have been in a position to discuss the matter with greater fulness and with better information. But unfortunately

[Mr. A. Hoogewerf.]

we have not been favoured with the answers before the motion came up. I am sorry to say that the Government member has not quite understood what Mr. Ramakrishna Pillai has stated. There was no fault-finding with the Government about the introduction of the Ayurvedic system nor of all the good that has been done by the department during the last six years. We are all very thankful to the Government and to the department for all that has been done; but we maintain that more could have been done and that we have not got our money's worth; nor have the people derived all the benefits the Government wanted that the department should confer upon them when it was established. Now with regard to the plant analogy, brought forward by the member on the other side of the House, I also beg to differ from him as Mr. Velu Pillai has done. In fact Mr. Velu Pillai has been taking the words out of my mouth and the wind out of my sails. Mr. Ramakrishna Pillai never wanted the plant to be uprooted. All that he wanted to do was to direct the growth of the plant as it had taken a very crooked turn. He wants to manure it, water it, and give it a proper and a healthy growth. He did not want to wait till things got into a horrible mess as the Secretariat has been getting into recently and then get down people from Madras to put it in order. He wanted to put matters right in the very initial stage of the growth of the plant. Mr. Ramakrishna Pillai has been telling us that, out of 72 dispensaries that have been established, 12 have not been inspected by the officer in charge of the department during these six years. That I think beats the inspection of other departments. Now medical aid is the crying need of the country. Just as the need is growing more and more, the prices of English medicines are running up. Mr. K. K. Pillai, who is the agent for supplying medicines to the Travancore Government, told me the other day that the prices had run up cent. per cent.; that is a high rate at which prices are rising. We must find the ways and means to be self-contained in our medical treatment. The allopathic treatment does not reach the masses as it should do; only a certain percentage of people get this treatment. It should be our aim and purpose to provide medical treatment to all as much as possible. It is only to give a right turn to this matter that Mr. Ramakrishna Pillai has brought forward this resolution.

Some time ago, when one spoke of the Ayurvedic treatment it was like a red rag to a bull in a china-shop to allopathic doctors like Dr. Lakshmanan and others. I remember the Surgeon General condemning the whole system as an old woman's story a few years ago. But the angle of vision has completely changed and the Surgeon General of Madras is now looking upon it with a very sympathetic eye. I know Dr. Poonen was undergoing this treatment. When he had a slight attack of rheumatism he used to call in the aid of an Ayurvedic doctor. I also know of other doctors requiring the services of these doctors. The other day, when we had the exhibition here, one of the physicians of the Ayurveda Department showed me a fungus which, he

told me, was a most invaluable specific for stopping bleeding after child-birth. He said Mrs. Lukose took two of these and successfully treated cases of hæmorrhage. When I was in the Huzur as a clerk, one of my brother-clerks showed me a small herb which he said was very efficacious for the treatment of carbuncle. There are great possibilities for the development of the Ayurvedic system. For all these reasons, I strongly support Mr. Ramakrishna Pillai's resolution which is very innocent, very humble and very modest in character.

MR. L. R. RAJA RAJA VARMA (*Edavagai*): In rising to support this resolution, I have the honor to bring to the notice of this House that the subject matter contemplated in the resolution comprises two distinct entities. Apart from the maintenance of the college, the Ayurveda Department of Travancore, as it exists to-day, is both a Government manufacturing and trading firm in Ayurvedic drugs, and a regular medical unit on Ayurvedic lines for purposes of treatment.

It is in its capacity as a manufacturing and trading concern that the department has created misgivings in the minds of the people. On principle at least, the Government ought not to exercise the functions of a trading firm—if for no other reason than that it effectively kills private enterprise and increases the unemployment problem in the land. During these years it has been proved that no gain of moment has accrued to the Government on account of this industrial and commercial function—nay, rightly or wrongly, the popular feeling is that the materials supplied by the Government pharmacy are inferior in quality to those obtainable from respectable physicians elsewhere. All this anomaly can be remedied and a strong impetus given to private enterprise by abolishing the manufacture and trade in medicines by the Department. The medicines, etc., required for the working of the department can be obtained by the auction or tender system from respectable makers to the satisfaction of the department or from private agencies under the control and supervision of the department.

But it is entirely in another direction that Government help should come for Ayurveda. It is on the scientific side of it. The system requires improvement and expansion in the light of modern sciences if it is to be of any true service to the people. Facility must be given for research and study. Experts in Ayurveda and western medicines must be allowed to experiment and investigate the problems connected with it. There is no doubt that the Ayurveda system is worthy of much improvement. Any money spent on such a scheme will be a real investment for the real benefit of futurity.

As it stands, the department is not showing any signs of rejuvenation and is at present only of doubtful utility. To consider means and measures for remedying these evils, I believe, a small committee is very essential. It is highly necessary to have a doctor trained in the western system of medicines, with good knowledge of Sanskrit and Ayurveda, and an expert Ayurvedic Physician also, included as the members of this

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committee. The committee must be charged to submit detailed schemes as early as possible.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Sir, I have been listening to the debate, and, incidentally, I have come across certain statements which, I feel, I should assist by certain statements of my own, based on my personal experience. Incidentally, in the course of the debate, reference has been made to two definite issues. Questions have also been asked in regard to both these issues. One of them is, whether, compared with the prices for similar preparations sold by other Vaidyans or pharmacies, the prices charged in the Government pharmacy are higher or lower; and, the other is, whether the quality of the preparations issued by the pharmacy is, in any way, inferior to the quality of the preparations sold by other pharmacies. I have had some experience in this matter. For the last few years, I have been purchasing a certain number of Ayurvedic preparations—oils, *lehyams*, and other preparations—from a number of institutions, both inside and outside Travancore. They are all standardised Ayurvedic preparations, which are available in very many places. I have bought them from the Andhra Ayurvedic Pharmacy in Madras, which is run by Dr. Lakshmipati as a Joint Stock Company now. I have also bought from the Venkataramana Dispensary at Madras, founded by the late Mr. V. Krishnaswami Aiyar and endowed by him. I buy the preparations usually from the Government pharmacy in Trivandrum. And, in Trivandrum itself, I have bought them from two other Vaidyans who sell these preparations. They have also been obtained for me from Central Travancore and also from somewhere about Attingal. I have also obtained them from Mr. P. S. Variar, who is somewhere near Calicut. I can say from my personal experience what I have felt after using these standard preparations from the different places. I do not want to prolong my remarks. I may say categorically that, in *every* instance in which I made purchases of these standard preparations, the prices that I paid have *invariably* been higher elsewhere than in the Government pharmacy. In some cases, they have been higher by one hundred per cent., by two hundred per cent., and, in one case, by four hundred per cent.! At the present time, there is a gentleman at Trivandrum who sells at four times the price charged in the Government pharmacy. Except in one instance where the prices were distinctly higher by one hundred per cent. I found that the articles I purchased elsewhere were *not* in any way different in quality from the articles that I purchased from the Government dispensary in Trivandrum. As I said, this has been going on for a fairly long time; and as I have been purchasing these articles regularly almost every ten days, year after year, I am in a position to give definite information which may be of some little value to the House. I would end my observations by saying that I have felt constrained to offer my experience to this House, in view of the remarks that I have heard to-day. I do

not know the gentleman who is the head of the Ayurveda Department. I have not exchanged a word with him, and I have personally no interest whatsoever in the fate of the resolution now before the House. Certain definite statements, which are capable of a certain definite construction in regard to the particular officer, were made and, therefore, I felt bound to give the Council the benefit of my knowledge of the matter which would put an end to any further discussion on these issues. I have felt it my duty to do so both in fairness to this House and to the officer concerned.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries North*) : Sir, on a former occasion, in the course of the budget discussion, the year before last, I wanted to put down a motion for reducing the grant under the item of Ayurveda pharmacy. Later on, before the discussion came up, I thought that it would be rather ungracious on my part to try to disparage an institution which, if conducted properly, would be of very great use. Therefore, I told the Chief Secretary that I was not going to press the matter though I also told him that I had certain reasons for putting forward that motion. As Mr. Rangaswami Aiyangar said, I may also say that I have not come across the gentleman who is in charge of the pharmacy. I have not even seen him. So both of us are equally disinterested in any observation that we may make in this matter. It has been, probably, as usual, my great misfortune to come across various statements about the pharmacy which are not at all complimentary to the institution. But, owing to Mr. Rangaswami Aiyangar's proverbial good luck, he has had experiences which are veay pleasant and which are altogether of a different kind to mine. I am obliged to stand up here and to say things about an institution about which I am particularly anxious to think well and speak well, because it has been always my desire that an Ayurveda pharmacy conducted under the auspices of His Highness the Maha Raja of Travancore ought to be conducted in a manner that should redound to our country's glory. The one institution which the Government of an Indian Sovereign ought to be able to conduct in a manner different from and superior to what it is in British India is the Ayurveda institution. All of us who have at heart the reputation of our country and the well-being of the masses of the people who are unable to avail themselves of the benefits of allopathic treatment, have been exceedingly anxious that this institution should justify itself. The opinion current in the country about the activities of the department is therefore a source of great regret to those of us who have been hoping against hope that things would become better in course of time. I should like to request the Chief Secretary to publish the report which the Government have received from the Account Officer who audited the institution. If there is nothing to conceal in the matter , if things are as satisfactory as the Chief Secretary has been trying to make out, and if the defect is only with reference to the *system* of account-keeping, then, in view of the serious allegations made either in the shape of open statements or veiled insinuations, it would be in the highest interests of the Government, as

[Mr. Joseph Panjikaran.]

well as of the officer concerned, that the Government should place the whole report on the table without any sort of editing. It is no doubt a departmental affair ; it is open to the Government to comply with this request or to refrain from doing so. But, in view of what has been stated here, it is highly desirable that the whole statement is published so that the Council and the country may see what the truth of the matter is.

I admit that no man's character or reputation is safe against wilful perversions or malicious slanders. But the unfortunate part of it is that all the information that has been reaching me is to the effect that the prices charged by the Ayurveda pharmacy for medicines are higher than the prices charged for the same medicines by other reputable institutions; that the quality is always inferior; and that the prices paid for the materials are unconscionably higher than those charged for the very best articles of the same kind purchased for His Highness the Maha Raja's Palace. Such being the state of affairs, I am sure the Government will not object to the appointment of a committee to look into the whole institution so that such charges may not be repeated hereafter. If the Ayurveda Department is not deserving of the censure levelled at it, here is an opportunity for that department to justify itself. It is desirable in the interests of the Government as well as of the public that this Council should be given an opportunity of looking into the whole matter. Hence I am supporting the motion.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, though I am generally against the appointment of separate committees unless there is a necessity, I think, after hearing the discussion up to this, I should support the mover in asking for a separate committee to enquire into the matter. Of course in the last few months, reports have reached me too as to the undesirable method of spending money in the department. When my friend sent in this resolution, I thought in his speech he would refer to something of that kind. But as a man who is judicially trained, he has carefully avoided it because he has not proper materials before him. But from the replies which we were able to elicit from the Chief Secretary, I think we have got a sufficient basis to start an enquiry. Of course, I do not say that the working of the department in other directions is very imperfect or very perfect. As for that matter, I do think that other departments also have not reached perfection. But with regard to this particular point, I am very earnest. If there is at least an alleged suspicion or serious doubt as to the way in which money is being spent by the department, I think it will be better for the Government as well as the officer concerned and for the responsible members of this Council to vote for the appointment of a committee so that the whole thing may be placed before that body. With these observations, I support the resolution.

MR. JOSEPH PANJIKARAN (*Shertallai*) : Sir, I seriously think that a case has been made out for the appointment of a committee

to enquire into the Ayurveda Department. Very serious allegations have been made against the Ayurveda Department and when the Chief Secretary stood up to reply to them I thought we should have some sort of consolation from what he was going to say. He himself in his speech has admitted that there are very many defects. But the way in which he opposed the appointment of a committee by the analogy of pulling up a small plant which was planted the day before is entirely out of place. The committee is not to pluck away the Ayurvedic plant but only to inspect and examine it and show it the way in which it is going wrong in order that it may grow more luxuriant, strike deeper root in the country and be of greater use to the people. The committee is not for sweeping away the department into the region of oblivion but for taking greater care for pointing out its defects and for making suggestions towards its improvement. The one other reason for opposing it was that it might not be proper for us to interfere with this institution which is at its early stage of experience. I think it is at this stage that this institution requires the greatest care and attention. We are now going through the Baby Week. If the principle involved in the reasoning of the Chief Secretary is applied, I think that the Baby Week and the Child Welfare movement which we are having at present in India are follies. Why not let the children take care of themselves? That seems to be the line of argument of the Chief Secretary in opposing the resolution.

Then the second reason why I would support the resolution is that, when certain questions were asked, the answers which the Chief Secretary gave were not at all satisfactory. Not only were they not at all satisfactory but the answers were, in my opinion, evasive, thereby disclosing the miserable state in which the whole department is worked. I think the climax was reached when *maravatti* oil came into the scene. (*Laughter.*) He said one tin of that oil was purchased at Rs. 26 per tin. I am not at all acquainted with the Director of Ayurveda as Mr. T. K. Velu Pillai is. But I am acquainted with many a tax-payer in this country. I am also one of them. I do not know what the poor tax-payer in the country would think of this *maravatti* oil at such a cheap rate as Rs. 26 per tin! I think, in view of this sort of allegation and as the Chief Secretary said the department is in its infanstage, it is highly necessary that a committee should be instituted to enquire into these. I think a committee will be conducive to the better working of the department and for the good of the public. If, as a matter of fact, the allegations are untrue, the department can vindicate itself; if on the other hand the allegations are true, they will be proved and proper remedies applied.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I also wish to offer a few observations on the subject under discussion. There is first of all the main resolution of Mr. Ramakrishna Pillai before the House; and during the course of the discussion something like a parasitical growth has been brought into existence by reference to what the Account Officer had to do with the examination of the accounts of the Ayurveda Department. I will take up the latter subject first.

[President.]

With respect to this latter aspect of the question, *viz.*, with respect to the condition of the accounts of the Ayurveda Department, the case, so far as I can see, is practically *undefended* by the Government. The Chief Secretary, in his replies to the queries from this side of the House, admitted ultimately that the Government had not gone through the entire volume of the accounts of the Ayurveda Department; so much so, that he was not in a position to vouch for the correctness of the accounts himself. But, while referring to the question of account-keeping, whether the method resorted to by the Director of Ayurveda is a novel method standing as an isolated variety in the whole range of account-keeping, has not been explained. However, if it stands by itself, as a special class of account-keeping, then that itself, I fear, will give room to some sort of mild suspicion. If, on the other hand, it is one of the approved varieties of account-keeping that has been resorted to by the Director of Ayurveda, even if it is not quite frequent in Travancore, on the strength of precedent, it may be supported.

Then incidentally the value of particular articles sold in the Ayurveda pharmacy was also brought up for discussion. There is the direct testimony upon the subject furnished by Mr. Rangaswami Aiyangar which is opposed to the information which many of us have received. I have been assured by some people that, somehow or other, some of the medicines and preparations sold by the Ayurveda pharmacy in Trivandrum, under the control of the Director of Ayurveda, seem to stand much higher in price than articles purchased elsewhere.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): May I know from Mr. Narayana Pillai whether he has verified the statement with regard to the *Dhanvantaratailam, Asanavilvaditailam* and *Balagulichityaditailam*?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do not hear anything.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): May I know from Mr. Narayana Pillai whether he has verified the statement with regard to *Dhanvantaratailam, Asanavilvaditailam*, and *Balagulichityaditailam*? That is to say, has he had *certain* information which contradicts mine? I ask whether he has verified the information on the three specific preparations which I speak of.

MR. M. N. PILLAI (*Trivandrum*): Will Mr. Rangaswami Aiyangar—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am in possession of the House. (*Laughter.*)

MR. M. N. PILLAI (*Trivandrum*): I will put my question to Mr. P. K. Narayana Pillai.

PRESIDENT: You will wait until he has answered Mr. Rangaswami Aiyangar.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I may say that I have not myself verified the statement. I have only information *per contra*. In the present instance, there is the direct testimony of Mr. Rangaswami Aiyangar. So even considering—

PRESIDENT: Mr. M. N. Pillai, you may put your question now.

MR. M. N. PILLAI (*Trivandrum*): I wish to know whether the qualities of *Dhanvantaratailam*, *Asanavilvaditailam* and *Balagulichityadi tailam* available in the pharmacy and elsewhere are the same.

PRESIDENT: From whom do you want the answer? (*Continued laughter.*)

MR. M. N. PILLAI (*Trivandrum*): I want to know from Mr. Narayana Pillai whether the quality supplied by the Ayurveda pharmacy and that available in other pharmacies in Trivandrum are the same.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am unable to make any statement with respect to that matter, because I have never purchased *Dhanvantaratailam* or any other oil either from the Ayurveda pharmacy or elsewhere. I have only information supplied to me by several persons, which I apply for the time being to the subject now under discussion. My only submission with respect to this question is that we have conflicting evidence submitted to the House.

But if the increase in the price of articles can be explained away by a reference to the method of account-keeping, I am not prepared to accept that view of the matter, since the method of account-keeping certainly cannot kick up the price of articles. That is rather difficult to believe. The irregularities of the Head of the Department also seem to have been explained away by a reference to the method of account-keeping. That also is a matter worthy of being considered.

Then with respect to this parasitical development, as I submitted, on the resolution, Government themselves, through the Chief Secretary, are prepared to say that they have not come to a final conclusion in the matter. Such being the case, as I submitted, since no final conclusion has been arrived at, I do not see that there is anything to offer by way of attack or defence against such a subject.

It is certainly within the range of the duties of the Government to feel themselves responsible to the public at large to investigate the question, to clear any suspicion and to satisfy the people that there is absolutely nothing ugly in the department. I would, therefore, submit that it is premature to attack the irregularities that have been mentioned or suggested with respect to the transactions and the business carried on by the Director of Ayurveda at the present juncture. That, I would again point out, is not the main proposition before the House.

The main proposition before the House is the resolution as to the necessity of a committee to further the development and expand the system of indigenous medicines, *viz.*, the system of Ayurveda. It is on this point that my friend Mr. Ramakrishna Pillai urges his resolution.

[Mr. P. K. Narayana Pillai.]

Of course, as regards the question that has incidentally arisen, if the system of account-keeping, as admitted by the opposite side, is such as to destroy the growth of the system of Ayurveda, then the method of account-keeping itself will have to be looked into by some competent body. If there is any such system of account-keeping as would choke Ayurveda, it should certainly be done away with.

With respect to the main proposition before the House, the question is, have we not arrived at a stage at which it is quite possible to give full scope to the development of the system of indigenous medicines in Travancore? That is the question to be considered. As regards that question, though there are very many other systems of medicine, of which we have formidable representatives here in Dr. Lakshmanan and Dr. M. N. Pillai, the system of Ayurveda has survived the somewhat unsympathetic criticism at the hands of doctors who follow other systems of medicine. It has been raised in status in spite of the criticism levelled against it and has been given something like a permanent position in the State; and so far as the poor man is concerned it is within his reach and homogeneous with his environment. The question naturally arises as to what the Government should do in the matter of giving encouragement to and spreading the scope of the indigenous system. As to that matter, the present system of giving grants-in-aid to Vaidyans is as old as the department itself which, as I understood from the learned Chief Secretary, was introduced in Travancore in the year 1071. The matter requires further examination. Why should not the Government organise a regular Department of Ayurveda similar to that of the allopathic system? The Ayurvedic physician might be treated as a Government officer like the allopathic doctor, might occasionally be transferred from place to place and might be given some privileges like the other Government servants just to give him a respectable status. Why should not the Government organise a department of that description with the necessary accompaniments and facilities? It is a question that has to be taken into consideration. That, I think, is the object of Mr. Ramakrishna Pillai. If, as I think, the time has arrived for it, the assistance of an expert committee—mainly composed of expert physicians and other doctors who have sympathy with the system, like Dr. Lakshmanan and Dr. M. N. Pillai, whose criticisms as regards the defect of the system may also be invited—might be sought, and that committee might be asked to devise a scheme to develop the system of Ayurveda so that greater use may be made of the system of indigenous treatment. Then I think it is worth a trial. It is in that spirit that we have to view the resolution that has been moved by Mr. Ramakrishna Pillai. From the year 1071, the situation has not practically changed at all. Ever since the system was introduced in Travancore, the old idea seems to cling to the Government and there is no scope for material modification so far as the organisation of the department is concerned. Therefore, if the matter is worthy of fuller investigation, as I think it is, a committee of experts might be appointed to enquire into the question. My friend Mr. Ramakrishna Pillai seems to be particular that some non-official members also must be included in the committee. I do not think that is

very necessary. A committee of officials and experts alone might be asked to investigate and prepare a scheme for the development of the department. Without going into the ramifications in the proceedings directed by the reference to the method of account-keeping, and all that, about which I myself might call for information after the Government have said that they have come to a final conclusion in the matter, I would submit that, in view of the possibility of the scope of the department, I would support the resolution of Mr. Ramakrishna Pillai.

MR. M. N. PILLAI (*Trivandrum*): I wish to speak a few words in support of the resolution. I do not support this resolution simply because there is much corruption in the Ayurveda Department. If that is so, there is corruption in every other department of the State, and all the departments require to be looked into. Several committees will have to be appointed if we have to investigate the question of corruption in the various departments of the State. I am for the development of the Ayurvedic system for the benefit of the suffering humanity. It is with that object that I support the resolution. I think there is considerable scope for improving the department. It is certainly bad policy on the part of the Government to spend a lot of money in the preparation of drugs for commercial purposes. I think the whole trouble is due to the competition between private practitioners and the Government pharmacy. Loss of customers is sure to rouse jealousy. As long as there is the Government pharmacy, there will be much complaint from private practitioners. Probably the prices in the private pharmacies might also be cheaper. I do not know about the quality of the drugs. I have not got much experience in the matter. I also know Mr. Sankara Menon, though he is not my intimate friend. I think that the preparation of medicines must be done in hospitals under the supervision of physicians in charge of hospitals or dispensaries. The money spent in the pharmacy might as well be spent in opening various dispensaries in the various important taluks of the State. If this competition with the private practitioner is put an end to, then, I think, the major portion of the complaint would vanish. I think the department would work very satisfactorily if there is no such competition.

As regards the system of giving grants-in-aid, I do not approve of it. I do not think the aided Vaidyans are doing much useful work. The money spent on the pharmacy should be distributed to the several taluks of the State where small dispensaries might be opened and left in the charge of physicians appointed by the Government. It will be a gain to the Government, because Ayurvedic dispensaries can be established at a much lower cost than allopathic institutions. Moreover, there is not the cost involved in importing foreign drugs. In the case of rich municipalities, it might be left to the municipalities themselves. There are some municipalities which have Rs. 8,000 or Rs. 10,000 locked up without any use. I think Government can ask such municipalities to open Ayurveda dispensaries. For instance, there is the Kuzhittura Municipality which is very rich. There is only a

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Mission hospital there, but it is only like a private dispensary, because people have to pay for the medicines. In such cases, the municipalities might be asked to open Ayurveda dispensaries and the Government can supply them with physicians. It would be useful and beneficial to the people also.

As regards the Ayurveda College also, I have to say that the students are not benefited by the existence of the pharmacy and dispensary attached to the department. It is due chiefly to the location of these institutions in different places. All these institutions should be housed together and the students asked to help in the management of these dispensaries and pharmacies and in the preparation of medicines so that they may get practical lessons. I understand they are not given sufficient scope to work in the pharmacy.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Dr. M. N. Pillai if he is able to say anything about the comparative cheapness of Ayurvedic and homeopathic treatments?

MR. M. N. PILLAI (*Trivandrum*): I think homeopathy will be much cheaper (*laughter*) and it is the proper treatment for the poor people, and of course for the rich too, if they are inclined to take it.

MR. A. HOOGEWERF (*Nominated*): I wish to know why he recommends the abolition of the grant-in-aid system.

MR. M. N. PILLAI (*Trivandrum*): I do not want to abolish that entirely. What I say is that, in places where there are grant-in-aid physicians, you must pay them and make them Government servants. Now there are several grant-in-aid Vaidyans, but you will not find them when you go in search of them. They may be out. They may be sleeping. There may be no work at all for them. So it is more or less like a pension that they are drawing and perhaps they may be showing accounts of 5,000 to 6,000 patients receiving treatment at their hands. What I urge is that Government should maintain dispensaries in each of the taluk head quarters. In Trivandrum you find the Ayurveda dispensary having about thirty thousand patients treated in the dispensary annually. So the expenditure on allopathic medicines must have lessened.

MR. A. HOOGEWERF (*Nominated*): May I know whether he recommends that private practitioners should be absorbed in the department?

MR. M. N. PILLAI (*Trivandrum*): Yes, if it is possible; I think, gradually, there should be as many Ayurveda dispensaries in the State as we have allopathic hospitals.

PRESIDENT: It is time.

MR. M. N. PILLAI (*Trivandrum*): You spend about twenty thousand rupees for the preparation of medicines on a commercial scale, but I think you should divert that amount so that you can gradually reduce the medical allotment for European drugs.

PRESIDENT: It is time.

MR. M. N. PILLAI (*Trivandrum*): With these few words, I support the resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, until I heard the Chief Secretary upon this resolution, I was not sure that such a strong case had been made out for the appointment of a committee to enquire into this matter. After hearing him, if I have been convinced of one thing more than another, it is the absolute need for the appointment of such a committee. Mr. Ramakrishna Pillai has, in his speech on the resolution, brought forward indictments of a very strong and severe nature against the working of the department. He pointed out that, in so far as the direction of the department is concerned, there is very little of it; that although there are only about 72—or 82 according to the Chief Secretary—Vaidyasalas in the State, during the last six years, many of these Vaidyasalas have not been inspected by the Director and some of them were inspected only twice and some thrice; that so far as the pharmacy is concerned, the whole thing is in a confusion; that medicines and drugs are purchased not only at exorbitant prices but also at unreasonable prices; that proper accounts are not being kept in the pharmacy; and so on and so on.

Nevertheless, in the reply given by the Chief Secretary, he had absolutely nothing to say against any of these indictments. He sought to answer the speech by a reference to the achievements of the department for the last six years since it was organised. He also told us that the department was reorganised in 1093 and that since then the pharmacy was attached to it and several Vaidyasalas were opened and hospitals or dispensaries were established in Trivandrum and so on.

Of course, all that merely shows that the activities of the department have increased; but it does not argue at the same time that the working of the department has been on a satisfactory basis. So long as the allegations made against the department by Mr. Ramakrishna Pillai remain unanswered, it appears to me that a very strong case has been made out for the appointment of a committee. The Chief Secretary told us that it was an infant department and therefore there would be imperfections inevitable in the working of it. Now, may I ask the Chief Secretary whether the absence of inspection of Vaidyasalas by the Director or the purchase of drugs at five or six times their real prices in the market is the result of the department being only a short-standing one? There are doubtless defects which are incidental to an infant department. To say of this department which has been in existence for a long time, that it has been working only for a short time or that only recently it has been organised, is no argument at all, against the allegations made by the mover of the proposition. The Chief Secretary told us that there might be defects and that perfection could not be claimed for the working of the department. At any rate, I see something carried to perfection; perfection has been attained in regard to the purchase of medicines at abnormally high prices. There is no proper management of the department. The Chief Secretary also told

[Mr. K. Paramesvaran Pillai.]

us that it was not proper to investigate and inquire into the working of this department because it has only been recently started and it would be something like uprooting a plant which has been recently planted. I do not think there is any analogy between the two. If these allegations are correct and well-founded, as I am inclined to think from the inability of the Chief Secretary to answer them, the sooner they are nipped in the bud the better. Hence the sooner the working of the department is examined the better for all purposes concerned.

Sir, the Ayurveda Department is a very important one in the State. The Ayurvedic system of medicines serves a much larger proportion of the people of the country than the allopathic or any other system of medicine. In fact, in various parts of the country where you cannot get the aid of allopathic doctors or European doctors, people entirely depend upon the Ayurvedic system of treatment for their health and lives; and so far as I know it has been very successful in giving medical relief to the poor. Therefore it is a department which should be properly organised and managed and it is of the utmost importance that all these defects and imperfections are removed as early as possible. So far as I know, the department could not have done better in the organisation of it, because it is very difficult to find another man in whom very high attainments in education are combined with a knowledge of Ayurvedic medicines. Therefore in choosing the present Director of Ayurveda the Government have done the very best thing which they could have done in the organisation of the department. But this is no reason why, if defects and irregularities of a serious nature are pointed out, enquiry should not be made into the working of this department. I am fortified in this suggestion by the fact that even Mr. Nidiry, who is a natural enemy of all committees, has come forward to support the appointment of a committee at least in this matter. He dreads a committee as much as Captain Cuttle the sight of a bonnet. But even he seems to think that in this instance a case has been made out for the purpose of appointing a committee; and therefore I feel all the more strong in supporting the resolution before the House and I do so with great pleasure.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask what his views are about bettering the status of grant-in-aid Vaidyans or the other alternative of having departmental Vaidyans of sufficient pay and respectability?

PRESIDENT: He has not said anything about it in his speech. I do not think it arises here either.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have no opinion to offer in the matter. I think that grant-in-aid Vaidyans deserve greater encouragement than they now receive at the hands of the Government. The grants given to them, *viz.*, Rs. 15 to Rs. 30 are very poor; and therefore, if possible, proper Vaidyans should be appointed on a much larger grant-in-aid.

So far as the question of my friend is concerned, I think there are various defects in appointing Vaidyans as Government servants as they do in the case of the allopathic doctors. In the first place, proper Vaidyans of high standing are not easy to obtain; and secondly it is not easy to get medicines unless the Government themselves undertake to supply medicines in their pharmacy; and knowing as we do the way in which it is done in the pharmacy, I think it is better to leave them to make their own arrangements for medicines on proper grant from the Government.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether it is not possible for the Government to have Government dispensaries in different centres without having a central pharmacy in the State.

PRESIDENT: He has already answered that question. He does not want Government dispensaries because it is difficult to supply them with medicines.

MR. M. N. PILLAI (*Trivandrum*): I want to say something about that. It is possible—

PRESIDENT: You cannot speak a second time.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I be permitted to speak a word as a personal explanation?

PRESIDENT: Yes.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I am sorry my friend has misunderstood me with regard to my position. I am not a natural enemy of committees. (*Laughter.*) I may assure my friend that I do not believe in superfluous committees. That is all. Of course, as to whether a particular committee is necessary or not, it is a thing about which opinions may differ. But I am not a natural enemy of committees; at the same time I may tell him that I believe not only in committees but in other things also.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I support Mr. Ramakrishna Pillai's proposition. I think the appointment of a committee is necessary to consider the question of developing the Ayurveda Department. Though I am not a believer in any system of medicine (*laughter*), I think the majority of people have got great faith in the ayurvedic system of treatment.

MR. A. HOOGEWERF (*Nominated*): Not even in *Dhanvantarm* oil?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I have *no* belief in *any* system of medicine. Yet the majority of people have great faith in the Ayurvedic system; and as it is an indigenous system, it has to be encouraged. I am glad to know that the Government are encouraging this system properly; but from the speech delivered by Mr. Ramakrishna Pillai I come to know that there is something rotten in the state of the Ayurveda Department and a committee will have to be appointed to enquire into the working of that department and to suggest various measures for developing it. One question

[Mr. M. R. Madhava Variar.]

about which much has been said is the pharmacy. This pharmacy, I understand from Mr. Ramakrishna Pillai, is intended for three purposes, namely, to manufacture and sell medicines to the public, to give practical training to certain boys in the Ayurveda College and to supply medicines to hospitals and dispensaries in Trivandrum. I am not for the abolition of the pharmacy altogether. But I am of opinion that the pharmacy should not be conducted by the Government as a commercial concern. A pharmacy may be necessary for the supply of medicine to the hospital and dispensary at Trivandrum, or it may be necessary for giving practical training to the boys in the college. But for that purpose a big pharmacy, as is now conducted, is unnecessary and so much money need not be spent upon that. The man who is now appointed for the working of the pharmacy, and the amount which is now being spent may be better utilised for establishing other pharmacies and dispensaries in the most important towns in the State. That is the point which ought to be discussed by experts in the line, and for that purpose a committee may be necessary. Another class of institutions by which the Ayurveda Department exercises its influence over the people is the Vaidyasalas in the State. But all these Vaidyasalas are not of very great use at present. Some Vaidyasalas are situated in places where many persons do not live; some are not accessible to all classes of people; and even in the classification of Vaidyasalas I do not think that any principle is recognised by the department. The ability of the Vaidyan or the quality of the medicines he has stocked in the Vydyasala or any other principle is not recognised by the department in giving grants. That too is a question which ought to be seriously considered by a committee of experts.

Referring to the working of the department, I have to speak a few words about inspection in the Ayurveda Department. There are only about 82 Vaidyasalas and these can be conveniently inspected by the Ayurveda Director. I think he is not overburdened with duties. He does not teach in the college and he exercises, if at all, only a general supervision over the pharmacy and dispensary; and he will be able to inspect all the Vaidyasalas once a year. A capable man on Rs. 40 *per mensem* who is appointed to teach students as well as to inspect these Vaidyasalas earns Rs. 100 as travelling allowance. So, even with regard to the inspection of Vaidyasalas, certain rules have to be made *viz.*, how Vaidyasalas are to be kept up, how inspections should be carried on, and how Vaidyasalas are to be conducted. I think a committee is necessary to consider these things.

I have heard a good deal about the quality of the medicines issued from the pharmacy at Trivandrum and the general report is—I can frankly say I have not used any of the medicines from the pharmacy—that certain medicines prepared in the pharmacy are of inferior quality and for certain other medicines the prices are too high. And if this is a fact, the pharmacy is not of very great help to the public in general. If the public do not want this pharmacy, I ask the question, why the Government impose the pharmacy upon the people and why they spend

about Rs. 25,000 on it? It is a serious charge against the Government that there is considerable leakage in the pharmacy and the Government may get a profit of only ten per cent. on the sale of medicines, for which I wish to get an answer from Mr. Krishna Pillai. Suppose a medicine is prepared for Rs. 100 and it is sold at Rs. 105 and that will have to be repeated 100 times a year. Are the Government getting a profit which accrues to the Ayurveda Department by the preparation of specific medicines these specific times and by the profit derived by the sale of these medicines? So on this ground I think a committee will have to be appointed to enquire into the working of the department and to suggest various measures for the development of the department. There are in the Government service persons who are well acquainted with the systems of allopathic and Ayurvedic treatments. Some private Vaidyans may also be appointed to the committee. A committee of officials and non-officials can enquire into the whole system and draft a scheme for the better management of the Ayurveda Department.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, there is a rule of law that, if a person is accused of a serious offence and a neigbour knows that he is innocent, he has to offer himself as a witness even though he has not been cited as one. It is on that principle, I dare say, that Mr. Rangaswami Aiyangar stood up and said a few words. It is on the very same principle that I should like to say a word or two in this connection. Though Mr. Rangaswami Aiyangar gave direct testimony, my friends on the other side were not able to contradict him by any direct testimony. They were prepared to contradict him on hearsay evidence which is not admissible at all. Mr. M. N. Pillai struck the correct note when he said that the existence of the Government pharmacy has taken the income from the hands of many of the indigenous Vaidyans. And therefore it is quite natural that when things are sold cheap in the Government pharmacy it should be reported that the quality is inferior and that is why we get it cheap. Therefore we ought to be very careful in condemning the department or the person. I myself have been using these preparations for so many years, particularly the one which Mr. Hoogewerf is fond of, *viz.*, *Dhanvantaram*. (*Laughter.*) I have been purchasing it from the Vaidyans, and also from the Government pharmacy for the last 3 or 4 years at a much cheaper rate, probably at half the price prevalent elsewhere, and I may assure the House that I have not in the least been the worse of for using it. Anyhow the efficacy seems to be all the same. That is all that I can say, because I do not know the ingredients that go to form the oil. There are probably some people interested in condemning things by saying that the medicines are of bad stuff or that the drugs sold in the pharmacy are not quite up to the mark.

MR. JOSEPH PANJIKARAN (*Shertallai*): Who are the *some people* here *interested* in condemning the department or the person ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I never said anything about the members here. It may be that some people are

[Mr. V. Subba Aiyar.]

interested, because we know that in the world of every—day life there is always keen competition. Whenever there is keen competition, it is a matter of common knowledge that it is the interest of the competitors to belittle the worth of their opponents and to say that everything is rotten in the case of the opponents and everything is right so far as they are concerned. To that extent there is a certain amount of interest in every profession, but honourable people never do that. (*Laughter.*) So that I may say that it is always the case that, whenever there is keen competition, it is likely that some people are interested in condemning the department.

MR. A. HOOGEWERF (*Nominated*): May I know whether that man in charge of the pharmacy knew that it was for the Law Member?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe the same price is fixed for all. I may tell my friends here that an *Edangali* of *Dhanvantaram* oil costs 36 fanams. I do not know whether anybody has paid more. If I have that testimony, it must be said that the Director is partial to Government officers.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will he explain how, if the cost price of the articles purchased by the Director of Ayurveda stands higher, it will be possible for him to sell it at the same rate as private practitioners?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I daresay Mr. Narayana Pillai knows that Vaidyans are not paid for particular visits. As a rule they always take their share from the prescription of medicine. (*Laughter.*) We know as a matter of fact that, if private practitioners sell their medicines at the Government rates, they will be nowhere. There is no use in their preparing medicines. If the Government price is 10 fanams, private practitioners cannot but sell at a higher price.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Does your implication refer to all Vaidyans? There are Vaidyans who charge professional fees and also manufacture medicines. Therefore I should like to know whether the condemnation refers to such Vaidyans too.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No; certainly not. I say there are honourable men in every profession and others who want to make profits only. It may be that some people are interested in condemning it.

MR. P. PARAMESVARAN (*Nominated*): ആയുർവേദ ഫാർമസിയിൽ ഉണ്ടാക്കുന്ന ധാന്വന്തരത്തിൽ പാലോ ഉഴുന്നുകഷായമോ ചേർക്കുന്നുണ്ടോ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know. എനിക്കതിനെപ്പറ്റി അറിഞ്ഞുകൂടാ.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know whether the price list is specially made in the pharmacy ? Is *Dhanvantaram* oil made in the pharmacy specially for you or do you purchase it from the common store?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : It is not prepared for me particularly. When I purchase, I send my servant and get it. The man in charge of the pharmacy does not know that the oil is for me.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*) : May I know what oil Mr. Subba Aiyar generally purchases for his use ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : *Dhanvantram*.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*) : Where does he usually purchase it ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I have been purchasing it from the pharmacy for the last 3 or 4 years. As I said, I do not know the ingredients which those people use or the other people use ; so far as efficacy is concerned, I do not say anything. It is only about the price. But the point really is—

MR. A. HOOGEWERF (*Nominated*): May I know whether the Law Member has purchased this from Mr. Madhavan Vaidyan or some other medical practitioner ? How does it compare in price or in quality ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I have puschased it from him also. The price is a little higher. But during the last three or four years, I have been purchasing it almost invariably from the Government pharmacy.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*) : What was the price then ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I believe it was about 16 fanams per *nali*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : May I know whether, before he began to purchase from the Ayurveda pharmacy, he was obtaining the same from Mr. Madhavan Vaidyan ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I was getting from Mr. Madhavan Vaidyan as well as from other people.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : What was the price then ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I believe it was sixteen fanams then also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Are you paying the same price now ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : It is only nine fanams per *nali* in the pharmacy.

MR. A. HOOGEWERF (*Nominated*) : Which is cheaper? (*Laughter.*)

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is obvious. I said I have purchased from Mr. Madhavan Vaidyan and from the pharmacy. So far as the price is concerned, it is not always the same.

But the point that we really want is the appointment of a committee to develop and expand the Ayurvedic system of treatment here. Now, in the consideration of this question, we have been carried away by the fact that there are some irregularities in the department which are alleged to exist and therefore Mr. P. K. Narayana Pillai struck the correct note when he said that there was a practical parasitical development of it and not covering the real issue. I should particularly urge upon the members of the House to consider the desirability of appointing a committee for the expansion of the Ayurvedic system and improving the system by having experts on the committee. The Chief Secretary explained by saying that such members should have experience in both the systems and, as far as possible, be persons who have critical faculties and constructive ideas, and such people will have to be got down from other parts of the country, and it may not be, I believe, possible to get down such men. It is on this ground that he has objected to it. But we ought not to be carried away by feeling. Reference was made to the purchase of a tin of *maravatti* oil.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know whether he is able to give us any information with regard to the capacity of the particular tin?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I never said anything about it. I am only saying what I heard from the various observations. I myself have never seen one tin of *maravatti* oil. (*Laughter.*) The point is that, for the first time after the Ayurveda Department was organised, the Account Officer audited the accounts of the department in 1098. He has evidently submitted a report to the Government and that report is being considered by the Government. Let us take it that the price is in some instances is higher than the price obtaining in the market. Let us also take it that there are some mistakes in the accounts. The question is whether these are not properly things to be disposed of by the Government. One tola of musk you can purchase for eight annas. If you want genuine stuff you will have to pay Rs. 80 for a tola. It depends upon the quality of the stuff. In other words, what I beg to submit is that in the first place the various discrepancies must be noted, the system of accounts should be checked and the Government must pass final orders. Whenever there is any mistake, they should call for an explanation from the Director. I daresay that all the members know that, if the Director is guilty of fraud as is now hinted, insinuated or suggested by some, then there is such a thing as the Departmental Enquiries Regulation. An enquiry will be started against him and I say that by means of such an enquiry his faults could be found out. When there are ever so many safeguards I ask the members to seriously consider the question whether, from the mere fact that there are certain

accusations against that officer, it will be desirable to place him in the dock and ask him to explain his conduct. I think the question of irregularities and mistakes in the man, or the high prices of medicines ought not to guide us in deciding that a committee is necessary. But the question should be judged entirely upon a different aspect as Mr. P. K. Narayana Pillai pointed out, namely, whether it is necessary to have experts to consider the working of the Department of Ayurveda. Whether such experts are available or have to be got down from elsewhere and whether it is desirable to do so, all these the House will have to consider detaching the one from the other. Because there are some accusations against the Director and there is something wrong somewhere, on that ground we ought not to decide all at once that a committee should be appointed. It will be something like placing a man for trial before the Sessions Court before any police investigation has been made and before a magistrate has conducted a preliminary enquiry.

MR. A. HOOGEWERF (*Nominated*): Is there anything in the resolution to suggest that there is corruption in the department?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If my ears are quite right, most of the speeches were directed against that and that alone. From that I am inclined to believe that the members are carried away by the fact that there is something wrong in the department so far as that particular matter is concerned. That seems to have guided prominently the members in saying that they would go in for a committee. I say from what has been stated and from the allegations of some of the members of this House I base my argument.

MR. JOSEPH PANJIKARAN (*Shertallai*): Does he know that the committee demanded by the resolution is also intended to examine into the working of the department?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the idea is to develop and expand it and make it very useful, *that* is to be judged totally from a different point of view. From what I heard I understood that, in most of the arguments there was very little said on the side of expanding or how best to develop the department and what should be done. Much that I heard was about the corruption that is alleged to exist in the department. That is why I say—

MR. A. HOOGEWERF (*Nominated*): Sir,—

PRESIDENT. I cannot allow the discussion to be interrupted like this.

MR. A. HOOGEWERF (*Nominated*): Did I not say that the department should be expanded and every facility should be given for the working of the department?

PRESIDENT: You are not putting a question.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Does he think that the irregularities in the working of the department are *not* covered by the resolution?

PRESIDENT: It depends upon the interpretation that is put upon the wording of the resolution.

[President.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): My point is that, if so, I am against the appointment of a committee to go into the irregularities or the alleged incorrectness or fraud that is obtaining in the department. Therefore we should leave that apart, and if there are other grounds for developing and expanding the Ayurvedic system by the appointment of a committee, by all means vote for it. I daresay the members will agree with me in thinking that to enquire against a particular officer a committee should not be appointed without proper things being done.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Puttanamtitta*): May I know whether there are any allegations against a particular officer?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes; because the whole thing is done by the Director who is responsible for the money. Everything is said with reference to him. It was said that without tenders he had been purchasing drugs. He has been disposing and selling. That, I thought, meant nothing else.

MR. J. JOHN NIDRIY (*Changanachery* cum *Minachil*): Is it not against the department? It is general and not specific.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The allegations are for the Government to decide.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Does he know that the audit report has been before the Government for the past seven months and that they have not been able to arrive at a decision?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I daresay the member knows that it is not the only matter that the Government are concerned with. It involves a large volume of work, particularly when the report contains many details.

MR. JOSEPH PANJIKARAN (*Shertallai*): Will not the committee expedite matters?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think it is just the reverse of it.

PRESIDENT: We will rise now and meet again at 11-30 to-morrow.

The Council adjourned at 5-20 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Saturday the 19th January, 1924.

(*OFFICIAL REPORT.*)

The Council met in the Victoria Jubilee Town Hall at Eleven-Thirty of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Encouragement to Mesopotamia-returned Men in State Service.

163. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to place on the table:

(1) a list of the permanent employees of the State who, on return from Mesopotamia, have been granted any special concessions, stating the total number of such servants who were deputed for service and who have since returned therefrom; and

(2) a list of Mesopotamia-returned men who have applied for appointments in the State newly, together with the number of such applicants who have been provided for and the special preference that has been shown to them?

(*b*) Are any steps being taken to grant special concessions to either the permanent employees or new applicants for service in the State who have not already had any encouragement in consideration of their good war record?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) (1) The information has been called for from heads of departments and will be laid on the table on receipt.

(2) Government do not propose to collect the information necessary for the preparation of the list referred to in the first part of

[Mr. R. Krishna Pillai.]

the question, as in their opinion the time and labour involved would be out of proportion to its utility. In regard to the second part of the question the member's attention is invited to the answer to question No. 128.

(b) The member is referred to the answer to question No. 126.

Yadavas in the State Service.

164. MR. S. SUBRAHMANYA KARAYALAR (*Pattanapuram cum Shenoottah*): (a) Will the Government be pleased to state whether any Yadava in Travancore is in Government service?

(b) If not, will the Government be pleased to appoint in the State service deserving educated young men belonging to that community?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) Yadavas have not been recognised as a separate caste for census purposes.

(b) Part (b) of the question does not arise in view of the answer to part (a).

Charge of Corruption against Mr. A. S. Krishna Aiyar, Tahsildar, Quilon.

165. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether the Quilon Dewan Peishkar and the Land Revenue Commissioner brought to their notice an alleged case of corruption against the Tahsildar of Quilon? If so, what action did the Government take in the matter and what was the recommendation of the Land Revenue Commissioner?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Tahsildar's conduct was suspicious, but evidence in regard to corruption was not conclusive. In the circumstances no action was taken beyond noting the matter in the officer's service record.

MR. M. N. PILLAI (*Trivandrum*): What was the charge against the Tahsildar?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There was no definite charge against the Tahsildar.

MR. M. N. PILLAI (*Trivandrum*): Then, what was the nature of the enquiry conducted?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No regular enquiry was conducted, because there was no charge against him.

MR. M. N. PILLAI (*Trivandrum*): What was the report against him?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I regret I am unable to reveal the contents of the report.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to place on the table all the papers connected with that?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

MR. M. N. PILLAI (*Trivandrum*): In the case of a Government officer, if the evidence leads to a suspicion of corruption, is it not necessary to punish him at least as an example to others?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is not a supplementary question.

PRESIDENT: The answer says that there is no conclusive evidence of corruption. So, that question does not arise, and no enquiry is necessary under the Regulation.

MR. M. N. PILLAI (*Trivandrum*): What was the necessity for noting the matter in the officer's service record?

PRESIDENT: There is an answer to that question also in the answer given already. The first sentence answers that question.

MR. M. N. PILLAI (*Trivandrum*): But is it not the duty of the Government, when an officer's conduct is found to be suspicious, to conduct an enquiry and give sufficient punishment to that officer?

PRESIDENT: The punishment that was given is mentioned there.

MR. M. N. PILLAI (*Trivandrum*): I want to know whether the punishment given to the Tahsildar is a sufficient one if there was a charge against him.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There was no charge against him.

MR. M. N. PILLAI (*Trivandrum*): Then, what was the necessity for noting the matter in the officer's service record?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Because there was a suspicion.

MR. M. N. PILLAI (*Trivandrum*): Then why not the Government give him sufficient punishment?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There were no grounds for punishing him.

MR. M. N. PILLAI (*Trivandrum*); If there was no sufficient room for suspicion, what necessity had the Government to note the matter in the officer's record?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have already answered that question.

Mr. A. R. Subrahmanya Aiyar, Tahsildar.

166. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state the charges against Mr. A. R. Subrahmanya Aiyar that culminated in the punishments recently awarded to him?

[Mr. N. Ramakrishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Mr. Subrahmanya Aiyar was punished for unsatisfactory land records work.

MR. M. N. PILLAI (*Trivandrum*): The answer to my question is that Mr. Subrahmanya Aiyar was punished. Will the Government be pleased to state what the exact charge was?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is that he did not do land records work satisfactorily.

Punishment of Excise Officers.

167. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to place on the table a statement showing the following information in regard to the punishments imposed by the Excise Commissioner during 1097, 1098 and up to Dhanu, 1099:—

(*a*) persons fined Rs. 5 and above;
(*b*) persons degraded;
(*c*) persons suspended;
(*d*) persons censured;
(*e*) persons dismissed; and
(*f*) persons whose punishments were subsequently cancelled by him and also by the Government?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A statement giving the particulars required by the member is given below:—

Punishments inflicted.	1097.	1098.	1099.
Number of persons fined Rs. 5 ...	19	30	8
Do. degraded ...	6	2	3
Do. suspended ...	10	3	2
Do. censured ...	...	...	...
Do. dismissed ...	1	1	...
Persons whose punishments were subsequently cancelled by him and by the Government.		A fine of Rs. 2 was cancelled by the Excise Commissioner.	

No fine of more than Rs. 5 was imposed in any case.

Anchal Superintendent's Head-quarters.

168. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): (*a*) When was the head-quarters of the Anchal Superintendent removed from Trivandrum and why was it removed?

(b) Was this transfer intended to be permanent or only temporary?

(c) What is the expenditure involved in this transfer on account of the travelling expenses, etc., of the Anchal Superintendent and his staff?

(d) Has the whole staff of the Superintendent been transferred to the new head-quarters?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*)-

(a) and (b) The head-quarters of the Anchal Superintendent was temporarily located at Nagercoil for a month from the 1st Vrischikam, 1099. It was done at the request of the Anchal Superintendent who was compelled to stay at Nagercoil for a month owing to certain domestic circumstances.

(c) The expenditure involved is nominal, being only the actual travelling expenses of a clerk and a peon who accompanied the Anchal Superintendent to Nagercoil and back. The Anchal Superintendent was not allowed any travelling or halting allowance.

(d) The answer is in the negative.

Customs House Inspector, Alleppey.

169. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*):

(a) Who is the Inspector in charge of the Alleppey Customs House?

(b) How long has he been in charge of this Customs House?

(c) Have there been any complaints against this Inspector from the merchants of Alleppey?

(d) Was there a general transfer of Inspectors during the reorganisation of the Excise Department in Tulam, 1098, and in Kanni, 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) Mr. W. J. Cleur.

(b) He has been in charge of the institution since 15th Edavam 1095.

(c) No.

(d) Some of the Inspectors were transferred in Tulam, 1098, in connection with the reorganisation of the department. In Kanni, 1099, a few Inspectors, not included in the previous list, were transferred.

Kolcvila for Timber.

170. MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state:

(1) the rates of *kolevila* allowed to contractors in different parts of the State for the extraction and supply of forest timber at the several Government depôts; and

(2) whether the rate of *kolevila* has increased generally during the last five years, and, if so, in what proportion?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) The rates of *kolevila* vary according to the species of timber to be worked down and the distance of the felling areas from the depôts. They average, at present, from 8 to 14 annas per cubic foot.

(2) Yes. There was an increase in recent years. The increase ranges from 1 to 2 annas per cubic foot. In 1098, however, there was a decrease in most places.

Irregularities in re Extraction and Sale of Timber.

171. MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state:

(1) whether all contracts for the extraction of timber and all sales of timber were properly advertised and whether tenders were called for during the last two years; and

(2) whether it is not a common practice that, subsequent to the opening of tenders, statements are recorded from certain tenderers and others and that contracts are given to them by private negotiation?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) Contracts are settled by negotiation only when tenderers are not forthcoming or when the rates tendered by them are found unacceptable.

MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state what they mean by the words "found unacceptable"? Do they mean that the tender is not sufficiently low or the tenderer has not got sufficient security?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

'Unacceptable' is what cannot be accepted in the interests of the department. That might be due to a variety of reasons.

Private Timber Depôts of Supply Contractors.

172. MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state:

(1) the number and names of timber-supply contractors who own private sale depôts in the neighbourhood of Government sale depôts;

(2) the number and names of such contractors who have their private sale depôts at places higher up the routes along which timber is floated down to Government depôts; and

(3) whether the proximity of such private depôts does not adversely affect the sale at Government depôts?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) and (2). No supply contractor of the department has any private sale depôt near Government sale depôts or anywhere higher up

floating streams. Nor is any such contractor allowed to trade in timber during the currency of his contract.

(3) The question does not arise, in view of the answer to parts (1) and (2).

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state whether any near relatives of these same contractors possess depôts near the same depôt?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government are not aware.

Sale of Timber by Contractors at Government Depôts.

173. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) whether they do not allow sale contractors to keep and sell the timber purchased by them from Government depôts at those depôts;

(2) whether, if they do so allow, such a course does not prejudicially affect the sale of timber left unsold at such Government depôts at the time; and

(3) whether in all those cases they charge any ground-rent for permission to keep and sell such timber and whether there is any time-limit for such permission?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) The answer is in the negative, if by the expression 'sale contractors' the member means purchasers of timber from depôts.

(2) and (3) These questions do not arise, in view of the answer to part (1).

Mortality among Wild Elephants.

174. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) whether the Divisional Forest Officer, Northern Division, has reported that mortality among wild elephants was unusually large in that Division in 1098;

(2) whether, in case such a report has been made, Government have made any enquiry as regards the mortality of wild elephants in the other divisions of the State and whether they will state the results of such enquiry, if any;

(3) whether they have received any report as to the number of wild elephants washed away by the flood that occurred during the latter part of 1098 in the Periyar, and whether, if such a report has been received, they would state the number of cow elephants and tuskers so washed away, as also whether in each case any *mahazar* was prepared by the forest authorities; and

(4) whether they will enquire whether there were any cases of shooting wild elephants by the owners or servants of the registry holders of the lands lying alongside of the High Range road?

[Mr. M. N. Pillai.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (1), (2) and (3) Government have received no report in the matter either from the Divisional Forest Officer or the Conservator of Forests.

(4) The Conservator of Forests says that no case of elephant shooting by the registered holders of lands lying alongside the High Range road or by their servants has been reported.

Medical Examination of Retiring Officers.

175. MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): (*a*) Will the Government be pleased to state whether any particular person is appointed or asked to ascertain the physical fitness and other qualifications of retiring officers?

(*b*) Will the Government be pleased to state whether officers are examined by a Medical Board before they are asked to retire or their service is extended?

MR. K. GEORGE (*Financial Secretary to Government*): (*a*) and (*b*) In cases where officers retire voluntarily after 25 years of service or are retired after attaining 55 years of age, no opinion is required or taken in regard to their physical fitness for further service or efficiency. When, however, officers apply for invalid pension, medical opinion is obtained in regard to their physical fitness. The rules regarding the conduct of medical examination in such cases are contained in Articles 290, 330 *f* and 330 *k* of the Service Regulations. The service of officers who have attained 55 years is not extended unless the sanctioning authority satisfies itself that the officers concerned are physically and mentally quite fit to discharge their duties.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): With respect to the latter portion of the answer, may I know whether the sanctioning authority satisfies itself that officers are physically fit to discharge their duties by medical examination?

MR. K. GEORGE (*Financial Secretary to Government*): No, not by medical examination.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Then, how do they know they are physically fit?

MR. K. GEORGE (*Financial Secretary to Government*): Because the officers under whom they work can see personally whether they are physically fit or not.

Excise Committee.

176. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state the reasons why they did not allow the Council to elect the non-official members to the Excise Committee as was done with regard to other committees?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The appointment of members to committees is usually made by the Government on their own initiative, and sometimes on the recommendation of other bodies. In the case of the Excise Committee, the first course was adopted.

MR. M. N. PILLAI (*Trivandrum*): Was there any particular reason in taking the course adopted by the Government?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No.

MR. M. N. PILLAI (*Trivandrum*): Then, what was the particular reason for adopting this course?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Two courses were open to the Government, and one of the courses was adopted. There was no particular reason why the other course was not adopted.

Claims of Mr. R. Gopala Menon for Assistant Head Sirkar Vakil's Place.

177. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether Mr. R. Gopala Menon, Sirkar Vakil, Parur, was an applicant for the Assistant Head Sirkar Vakil's place vacated by Mr. Bhaskara Menon? If so, why were his claims overlooked in filling this vacancy?

(*b*) How many years' service has Mr. Gopala Menon put in? What is his present pay?

(*c*) Is it not a fact that Mr. T. R. Raghunatha Aiyangar acted only for a short period as District Court Sirkar Vakil on Rs. 150 when Mr. Gopala Menon was drawing Rs. 250 as permanent Sirkar Vakil for several years?

(*d*) Is it a fact that, when the question of filling the vacancy of the Assistant Head Sirkar Vakil was taken up, the Head Sirkar Vakil, who was on leave, was consulted, and he declared that Mr. R. Gopala Menon was unfit for the vacant place?

(*e*) Has the Head Sirkar Vakil declared the inefficiency, if any, of Mr. R. Gopala Menon on any previous occasion?

(*f*) Has the Head Sirkar Vakil ever revised any written statement of Mr. R. Gopala Menon in Sirkar cases, and, if so, in which cases?

(*g*) Will the Government be pleased to state whether the person recently appointed as an Assistant Head Sirkar Vakil is a Travancorean, and whether there were not non-Brahmin Travancorean applicants for the place?

(*h*) Is it not a fact that Mr. R. Gopala Menon, Sirkar Vakil, Parur, is senior to Mr. A. Venkata Row, Assistant Head Sirkar Vakil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Mr. Gopala Menon was an applicant for the place and his case was duly considered in filling the vacancy.

[Mr. M. N. Pillai.]

(b) Mr. Gopala Menon has put in 17 years' service, of which his service as Sirkar Vakil is about 11 years. His present pay is Rs. 250.

(c) Mr. Raghunatha Aiyangar acted as Sirkar Vakil on Rs. 250 per mensem for over a month from Karkatakam, 1096. Mr. Gopala Menon was drawing Rs. 250 for over a year previous to that date.

(d) The appointment of Mr. Raghunatha Aiyangar was made in consultation with the permanent Head Sirkar Vakil then on leave.

(e) Government have no information.

(f) All the written statements of Mr. Gopala Menon are reported to have been revised by the Head Sirkar Vakil.

(g) Yes.

(h) Mr. Gopala Menon is senior to Mr. Venkata Row as Sirkar Vakil.

MR. M. N. PILLAI (*Trivandrum*): The answer to question (c) is that Mr. Raghunatha Aiyangar acted as Sirkar Vakil on Rs. 250 per mensem for over a month. I would like to know, in the circumstances, why Mr. Gopala Menon, who was drawing Rs. 250 for over a year previous to Mr. Raghunatha Aiyangar acting as a Sirkar Vakil for a month on Rs. 250, was not appointed. What was the objection to the appointment of Mr. Gopala Menon?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is no difference between the two appointments so far as their status is concerned.

MR. M. N. PILLAI (*Trivandrum*): What I want——

PRESIDENT: Please hear him through. You have not heard what he has got to say.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The position of an Assistant Sirkar Vakil is exactly the same as that of a District Court Sirkar Vakil. The maximum pay is the same in both cases. We have to post Sirkar Vakils according to the exigencies of service. Mr. Gopala Menon was permanently employed at Parur.

MR. M. N. PILLAI (*Trivandrum*): But Mr. Gopala Menon is already a permanent Sirkar Vakil, and when he applied for the place of Assistant Head Sirkar Vakil, what necessitated the Government's appointing Mr. Raghunatha Aiyangar to that particular place?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Mr. Gopala Menon was attached to the District Court, Parur. His status being the same, there was no necessity for transferring him.

MR. M. N. PILLAI (*Trivandrum*): Mr. Gopala Menon was attached to the Parur District Court; but Mr. Raghunatha Aiyangar was not attached to any District Court. I want to know why Mr. Gopala Menon was not taken in though he had applied for the place.

MR R. KRISHNA PILLAI (*Chief Secretary to Government*): Because the appointment was temporary, and it was thought undesirable to transfer Mr. Gopala Menon from Parur to Trivandrum in the temporary vacancy.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether Mr. Raghunatha Aiyangar is a born subject of His Highness the Maha Raja?

PRESIDENT: It does not arise from that. There is another interpellation with regard to that.

MR. M. N. PILLAI (*Trivandrum*): It arises out of part (*g*). In answer to that question, I want to know whether Mr. Raghunatha Aiyangar is a born subject of His Highness the Maha Raja.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): May I know the question?

PRESIDENT: He wants to know whether Mr. Raghunatha Aiyangar is a born subject of His Highness the Maha Raja.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He is a domiciled subject of His Highness the Maha Raja.

MR. M. N. PILLAI (*Trivandrum*): If he is a domiciled subject, how do the Government know that he does not desire to go back to his native place? (*Laughter.*) I want to get an answer to that.

PRESIDENT: I am afraid you have to ask Mr. Raghunatha Aiyangar whether he intends to stay here or not.

MR. M. N. PILLAI (*Trivandrum*): I do not get an answer from the Chief Secretary.

PRESIDENT: I do not think your question is capable of being answered by him.

Coupes sold in 1098.

178. MR. A. GOVINDA MENON (*Alangad cum Parur*): Will the Government be pleased to state:

(1) the number and names of coupes sold during 1098 M. E. and the objects with which they were sold;

(2) the number and names of such coupes which have served the objects with which they were sold, and the number which have not so served, with reasons, in each case?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) The following statement gives the information required by the member:—

(i) Central Division—Kadiyar coupe. For the extension of teak plantations.

(ii) Shencottah Division Edapalam coupe, Aryankavu. For the extension of teak plantations.

[Mr. M. R. Madhava Variar.]

(iii) Shencottah Division—Coppice coupe No. 8 at Ulkonam in the Puliyara Reserve. To meet the demand for fuel in Shencottah.

(iv) Southern Division Fuel coupe No. IX of Tadikkarankonam Fuel Working Circle. To meet the demand for fuel in Nagercoil and adjoining towns, as per sanctioned working plan.

(v) Southern Division—Fuel coupes Nos. 1 to 4 in the Nedumangad Range. To remove the tree growth prior to the registry of the land by the Revenue Department.

(vi) Southern Division Coupe of 204·47 acres in the Kotanallur *pakuthi*. To remove the tree growth prior to the registry of the land by the Revenue Department.

(vii) Southern Division—Coupe No. 1 in Uzhamalakkal *pakuthi*. To remove the tree growth prior to the registry of the land by the Revenue Department.

(viii) Quilon Division—Coupe of 40 acres of land in the Anchal *pakuthi*. To remove the tree-growth prior to the registry of the land by the Revenue Department.

(2) All the coupes sold have served the objects with which they were sold.

MR. A GOVINDA MENON (*Alangad cum Parur*): May I know whether all the coupes sold have served the objects for which they were sold?

PRESIDENT: The answer is already there.

Communal Representation in the Service.

179. MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): (*a*) Will the Government be pleased to state whether they have accepted the principle of communal representation in the matter of recruitment to the service?

(*b*) Have they fixed any proportion of appointments to be allowed to the various communities?

(*c*) Have they allowed the High Court to recruit Munsiffs and Judges from the Bar on a communal basis?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government have nothing to add to the statement made by the Dewan in reply to the representation No. 148 made at the Sri Mulam Popular Assembly last year.

(*b*) No.

(*c*) No.

Mr. P. N. Madhavan's Case.

180. MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): Will the Government be pleased to state:

(*a*) whether they have prohibited the entry of certain classes of people within the Fort during the Murajapam ceremony, and, if so, what the classes so excluded are;

(*b*) whether public cutcherry was held in the Fort during that period; and

(*c*) whether Vakil Mr. P. N. Madhavan was turned out from the court of the Dewan Peishkar and District Magistrate because of his unapproachability?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) Yes.

(*c*) No.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know whether all classes of His Highness' subjects were allowed to enter the Fort during the Murajapam ceremony?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I wish to know whether this is a supplementary question.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It arises out of part (*a*).

PRESIDENT: The answer has been furnished already.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Have the Government issued any prohibiting order?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in the negative.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I asked the question to get an answer in the affirmative as to whether all classes of His Highness' subjects were allowed to enter the Fort during the Murajapom ceremony.

MR. R KRISHNA PILLAI (*Chief Secretary to Government*): All those who used to enter the Fort before the Murajapam ceremony can enter during the Murajapam ceremony also.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): With regard to part (*c*), may I know whether Mr. Madhavan was turned out from the court for any reason whatever?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That does not arise from the question.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I wish to know whether Mr. Madhavan was turned out from the court for any reason whatever.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He was not asked to go away from any court.

MR. M. R. MADHVA VARIAR (*Chengannur* cum *Pattanamtitta*): From the office of the Dewan Peishkar?

[Mr R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Nor from the office of the Dewan Peishkar.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Are the Government aware whether he attended the court?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Dewan Peishkar did not hold any court at all.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): The answer to part (*b*) is "Yes." I wanted to know whether public cutcherry was held in the Fort and the answer was "Yes". Are the Government aware that Mr. Madhavan attended the cutcherry?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

PRESIDENT: Part (*b*) is whether public cutcherry was held in the Fort, and the answer is "Yes".

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): In continuation of that answer, I ask the question whether Mr. Madhavan attended the cutcherry of the Dewan Peishkar held in the Fort during the Murajapam ceremony.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I thought that he was not turned out because of his unapproachability. So, I asked the question whether he was turned out for any reason whatever.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He was asked to leave the building which he entered.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Why?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) Because the Peishkar was doing no office work. He was doing *Murajapam* work.

Prohibition of Entry of Certain Classes into the Fort during Murajapam.

181. MR. N. KUMARAN (*Nominated*): (*a*) Will the Government be pleased to say whether any order has been issued prohibiting any class or classes of people from entering the Fort at Trivandrum during the Murajapam ceremony?

(*b*) If the answer is in the affirmative, will the Government be pleased to place a copy of such order on the table and also to say under what provision of law the said order has been issued?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The member is referred to the answer to part (*a*) of question No. 180.

(*b*) The question does not arise.

Mr. P. N. Madhavan's Case.

182. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Are the Government aware that Mr. P. N. Madhavan, a vakil of the District Court of Trivandrum, who went to present an appeal to the Dewan Peishkar of Trivandrum, was asked to go out by the Peishkar?

(*b*) Have the Government received the resolutions passed at a public meeting held in the local L. M. S. Hall to protest against this action of the Dewan Peishkar?

(*c*) Will the Government be pleased to state whether they have taken any action in the matter?

(*d*) If not, will the Government be pleased to state what action, if any, they propose to take?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

(*c*) The Peishkar has been informed that, on occasions of his inability to attend his office in the usual course, he should leave instructions at his office that parties and vakils should transact business, if any, with his assistant, as he is himself not available.

(*d*) The question does not arise, in view of the answer to part (*c*).

Authority of District Magistrate to prohibit Entry of Certain Classes into the Fort.

183. MR. N. KUMARAN (*Nominated*): (*a*) Was not the District Magistrate and Dewan Peishkar of Trivandrum holding his court, as usual, within the Fort after the commencement of the Murajapam ceremony?

(*b*) Was he authorised by the Government to prohibit from entering his court any party of any caste or creed who might attend that court for the lawful transaction of any business?

(*c*) Will the Government be pleased to say whether any provisions of the Limitation Regulation, Criminal Procedure Code or Rules passed by the High Court, under the authority vested in them by law, have been abrogated for the time being for the convenience of the said officer?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The District Magistrate of Trivandrum was not holding his court anywhere during the first week of Murajapam. Information has been called for as to whether he was holding his court, and, if so, where, during the subsequent weeks.

(*b*) No.

(*c*) No.

MR. N. KUMARAN (*Nominated*): May I know how the duties of the District Magistrate were performed during the first week of Murajapam?

[Mr. R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He was not holding any court during Murajapam.

MR. N. KUMARAN (*Nominated*): I do not refer to court.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He might have been doing his work as District Magistrate elsewhere.

Mr. P. N. Madhavan's Case.

184. MR. N. KUMARAN (*Nominated*): (*a*) Are the Government aware that Mr. P. N. Madhavan, B. A., B. L., who appeared as a pleader before the Dewan Peishkar, Trivandrum, on the 7th Vrischikam, 1099, for presenting an appeal petition which was about to become time-barred, was not permitted to "act and plead" for his client and was ordered to leave the court immediately?

(*b*) Have not the Government received copies of proceedings of public meetings held at various places, protesting against this conduct of the District Magistrate of Trivandrum?

(*c*) In view of the violation of the civic rights of a citizen, and in view of the public protest entered in respect of this matter, will the Government be pleased to institute an enquiry into the conduct of the officer concerned?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Mr. P. N. Madhavan, who went to the Utsava Madam building to see the Dewan Peishkar who was there on Murajapam duty, was requested to leave the place. The Dewan Peishkar was not holding court then.

(*b*) Government have received resolutions passed at some meetings.

(*c*) The question does not arise in the light of the answer to part (*a*).

MR. N. KUMARAN (*Nominated*): May I know for what purpose Mr. Madhavan went and saw the District Magistrate that day?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in the question itself—for presenting an appeal petition.

MR. N. KUMARAN (*Nominated*): If that is so, was he directed by the District Magistrate to go to some other officer to seek his remedy?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No, he was not directed.

MR. N. KUMARAN (*Nominated*): If he was not directed like that, how was he to obtain his redress?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He would have to go to the Division Assistant's office or to the Tahsildar's office.

MR. N. KUMARAN (*Nominated*): Was any instruction issued, at the time the District Magistrate was not holding court during the Murajapam as to what the parties seeking redress should do?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No instructions were issued.

Representation of Labour in Popular Bodies.

185. MR. N. KUMARAN (*Nominated*): Will the Government be pleased to state what arrangement there is to represent the interests of labour in the Sri Mulam Popular Assembly, the Legislative Council and the Economic Development Board?

(*b*) If there is no arrangement, will the Government take early steps to give labour adequate representation in the institutions mentioned above?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) There is no special arrangement.

(*b*) Labour is now represented on the Sri Mulam Popular Assembly and the Legislative Council. The question of providing for the representation of labour on the Economic Development Board will be considered, when the term of the present Board expires.

MR. N. KUMARAN (*Nominated*): May I know who represent labour in the Popular Assembly and in this Council?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): What is meant is that there are members in the Council and in the Sri Mulam Popular Assembly belonging to classes from which a large volume of labour is recruited in the country and that is why it is said in part (*a*) that there is no special arrangement for the representation of labour.

Council Chamber.

186. MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware of the inconvenience felt by the public in the use of the Victoria Jubilee Town Hall, Trivandrum, on account of the meetings of the Legislative Council being held in that hall;

(*b*) whether there is any room attached to the Legislative Council Library where the members may repair for study;

(*c*) whether the Government are aware of the difficulties experienced by the members of the Council for want of suitable accommodation during their stay in Trivandrum when the Council is in session; and

(*d*) whether they propose the construction of a Council Chamber and Library with temporary lodgings for the members within easy access of the Chamber during session?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) No case of inconvenience has been brought to the notice of the Government.

(*b*) No.

(*c*) Yes.

(*d*) The proposal involves a large expenditure and has therefore to lie over.

Promotion to Mr. Pitchu Aiyangar, Teacher.

187. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to state the reasons for the promotion of Mr. T. S. Pitchu Aiyangar, B. A., L. T., teacher, English High School, Kottar, to the first grade on the 1st Makaram, 1090, though he joined service only on the 28th Karkatakam, 1088?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Dr. Bishop and Mr. Pryde recommended him to the first grade in consideration of his special merit.

Revenue from Imports.

188. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): With reference to the answer to question No. 13 asked on the 13th Tulam, 1099, will the Government be pleased to state the value of the dutiable goods imported through the seaports from Quilon to Munambam in each of the years from 1094 to 1097 (inclusive)?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

Years.		*Value of dutiable goods imported.*
		Rs.
1094	...	1,02,736
1095	...	44,814
1096	...	1,44,447
1097	...	1,31,037

Mr. Van Ross's Inspection Work in Devicolam Excise Division.

189. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): (*a*) Did the Excise Commissioner go to the Devicolam Excise Division on circuit in 1098?

(*b*) If so, when did he leave Trivandrum and when did he return to Trivandrum on each occasion?

(*c*) What offices did he inspect on his way to Devicolam, during his stay there, and on his return journey, and what was the date of inspection in each case?

(*d*) Were any defects discovered in these inspections, and, if so, what was their nature?

(*e*) What is the amount received as travelling allowance on account of these journeys?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Yes.

(*b*) He left Trivandrum on circuit to Devicolam on the 11th Medam, 1098, and returned to Trivandrum on the 22nd Medam, 1098.

(*c*) No office was inspected by him during the forward and return journeys, but enquiries were made and necessary instructions issued by him to his officers, regarding the suppression of malpractices and prompt collection of revenue. During his stay in the Devicolam Division, Karinkulam chowkey was inspected by him on the 14th Medam, 1098, Chinnar chowkey on the 15th, the Assistant Excise Commissioner's office, Devicolam, on the 17th, Chinnakanal distillery on the 18th, and the Northern Range office on the 19th.

(*d*) There were certain minor defects noticed during the inspection and necessary instructions were issued for rectifying them.

(*e*) The amount of travelling allowance drawn by him on account of his journey to Devicolam and back was Rs. 317-19-12.

MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): എക്സൈസ് കമ്മീഷണര്‍ ദേവികുളത്തു പോകുന്നവഴിക്കും തിരിയെ വരുന്നവഴിക്കും ആഫീസുകള്‍ പരിശോധിച്ചിട്ടില്ലെന്നു പറയുന്നു. എന്നാല്‍ ആഫീസറെ വരുത്തി പണപ്പിരിവിനെ സംബന്ധിച്ച ഏര്‍പ്പാടുചെയ്തിട്ടുള്ളതായി പറയുന്നു. അത് എവിടെവെച്ചാണ്? ആഫീസുകള്‍ പരിശോധിച്ചില്ലെങ്കില്‍ കീഴുദ്യോഗസ്ഥന്മാരുടെ അടുക്കല്‍ ഈ ഏര്‍പ്പാടുകള്‍ ചെയ്തത് എവിടെ വച്ചാണ്?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is no definite information. It will be called for.

Inspection Work of the Excise Commissioner in Devicolam Division.

190. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state the number of times the present Excise Commissioner went on inspection of chowkeys and other institutions in the Devicolam Division, the defects he found in the working of those institutions; the remedies he suggested for correcting such defects and the proposals he submitted to the Government for improving the customs receipts from those institutions; the number of days he was out on circuit in that Division; the time spent in the inspection of each institution; and the amount he drew as travelling allowance on each such occasion?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The present Excise Commissioner has visited the Devicolam Division only once till now, and that was in Medam, 1098. In regard to the remaining points, the member is referred to the answer to question No. 189.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that this was the first time that an Excise Commissioner visited Devicolam after the organisation of the department?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

[Mr. A. Hoogewerf.]

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to say how many Customs Houses there are in Devicolam?

PRESIDENT: That does not arise out of the question and the answer.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state for how many days the Excise Commissioner was engaged in his journey to Devicolam and how many days in his journey back from Devicolam to Trivandrum?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is stated in the answer to the previous question that "he left Trivandrum on circuit to Devicolam on the 11th Medam, 1098 and returned to Trivandrum on the 22nd Medam, 1098."

MR. A. HOOGEWERF (*Nominated*): How many days did he take to go up to Devicolam and how many days to come back?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): He reached Munnar on the 13th Medam.

MR. A. HOOGEWERF (*Nominated*): My question is, how many days he took to go up to Devicolam.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): He started from Trivandrum, as the answer to the question will show, on the 11th Medam and reached Munnar on the 13th.

MR. A. HOOGEWERF (*Nominated*): I want the total number of days.

PRESIDENT: He started on the 11th and reached on the 13th.

MR. A. HOOGEWERF (*Nominated*): How many days' halt was made at Devicolam?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Seven days.

MR. A. HOOGEWERF (*Nominated*): He had been inspecting certain places. How many days did he spend in each of these places?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): He spent seven days altogether, and he was visiting several places in the interval.

MR. A. HOOGEWERF (*Nominated*): It is said that he made enquiries. I want to know how many days he spent in each of these places and of whom he made these enquiries.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is contained in the answer to part (*c*) of question 189.

MR. A. HOOGEWERF (*Nominated*): I want to know to whom the enquiries were made and what the instructions issued were.

MR. .S PARAMESVARA AIYAR (*Secretary to Government*): Enquiries were made of the officers of the department.

MR. A. HOOGEWERF (*Nominated*): What time did he take

in inspecting each of the several offices, such as the Customs House, the Range Office, etc., in the several places?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

MR. A. HOOGEWERF (*Nominated*): Are the Government satisfied with the work done by him?

PRESIDENT: It does not arise here.

MR. A. HOOGEWERF (*Nominated*): Do not the Government think that the travelling allowance of Rs. 317 is too high for the work done?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No, the Government do not think so.

Recovery of Loss on account of Re-auction of Toddy Shops.

191. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*):

(*a*) With reference to the answer to question No. 59 asked on the 21st Karkatakam, 1098, will the Government be pleased to state the amount of the loss hitherto recovered from the original bidders in case of re-auction?

(*b*) How many of the original bidders were again given contracts for the lesser amounts bid on re-auction?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) A sum of Rs. 6,805 Chs. 4 cash 1 has been realised on account of arrears and loss by resale from the original purchasers of the shops resold in 1098.

(*b*) None.

Trivandrum Water-Supply Scheme.

192. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state in what stage the scheme of water-supply to Trivandrum is, whether there is any prospect of giving the town a good supply of water, and, if so, when?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to question No. 55 given at the meeting of the Council held on the 2nd November, 1923.

Removal of Nightsoil.

193. MR. A. HOOGEWERF (*Nominated*): Are the Government aware that most of the nightsoil carts used in Trivandrum are old and unserviceable, some of these being covered with gunny bags and that the present system of removal of nightsoil is most unsatisfactory?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer to the first part of the question is in the negative. A few of the nightsoil carts are reported to have become old and unserviceable and new carts have been got down to replace them. It is stated that no nightsoil cart is covered with gunny bags. Government do not consider that the present arrangement for the removal of nightsoil is unsatisfactory.

[Mr. S. Paramesvara Aiyar.]

MR. A. HOOGEWERF (*Nominated*): Have Government made enquiries with regard to the first part of the question, *viz.*, that most of the nightsoil carts used in Trivandrum are old and unserviceable?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have made enquiries.

MR. A. HOOGEWERF (*Nominated*): It is stated that no nightsoil cart is covered with gunny bags. From whom did Government get that information?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The President of the Municipality has informed the Government that those carts are not covered with gunny bags.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to make enquiries in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): If the member will make himself responsible for that statement, Government will make the necessary enquiries in the matter.

MR. A. HOOGEWERF (*Nominated*): Yes, I will be responsible for that statement.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government will then enquire.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that there is a great deal of dissatisfaction in the town of Trivandrum in regard to the way in which nightsoil is removed?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government are not aware.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to make enquiries in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is the Municipality which is in charge of the work. Government are not aware that there is any dissatisfaction.

Interpellations.

194. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to give the following information:

(*a*) the total number of questions sent up by the members at each session since the constitution of the new Council;

(*b*) the total number disallowed;

(*c*) the total number answered; and

(*d*) the total number to be answered?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A statement *containing the information required by the member is laid on the table.

**Vide* Appendix I—page 689.

Adirapalli Irrigation Scheme.

195. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) at what stage the Adirapalli Irrigation Scheme stands at present; and

(*b*) whether they have any intention of starting the scheme in the near future?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The project is held up on account of certain objections raised by the Cochin Government.

(*b*) No definite reply can be given now.

Special Officer for Huzur Records.

196. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state whether it is a fact that they contemplate getting down a pensioned officer of the Madras Government to formulate proposals for the preservation and destruction of the Secretariat records on a salary of Rs. 500 or so per mensem?

(*b*) Are they contemplating to get down this officer on account of the fact that the present officer who is in charge of the records is incompetent to set matters right, and, if so, how it is that he is retained there?

(*c*) If an officer is necessary to set matters right, cannot the Government find a competent man from many of the young and highly qualified and competent hands now in the Secretariat who may, if necessary, be deputed to Madras to acquaint himself with the latest system of file-keeping, preservation of records, etc., as was done during the previous administration?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*), (*b*) and (*c*) The member is referred to the speech of the Chief Secretary to Government in the Council at its meeting on the 16th January, 1924, when moving for a supplementary grant under Demand No. VII.

Officer in Charge of the Account Section.

197. MR. A. HOOGEWERF (*Nominated*): Is it a fact that the officer in charge of the Account and Records Sections makes his own recommendations in the selection of hands in the Secretariat and signs communications to subordinate officers in the name of the Chief Secretary to Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer to the first part of the question is in the negative and to the second part, in the affirmative.

Temperance Meeting at Sankhumukham.

198. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state whether their attention has been drawn to the speeches made and the resolutions passed at the Temperance Conference held at

[Mr. S. Paramesvara Aiyar.]

Sankhumukham on the 30th December last under the presidency of M. R. Ry. Dewan Bahadur A. Govinda Pillai Avargal, and, if so, what action has been taken by them in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Copies of the resolutions passed at the meeting were forwarded to the Government by the President and they have been referred to the Excise Commissioner.

Revenue Collection.

199. MR. A. HOOGEWERF (*Nominated*): With reference to my question regarding the unsatisfactory nature of the collection work done by Tahsildars and the answer given by the Government, will the Government be pleased to state whether any report has since been received from the Land Revenue Commissioner on the matter and what action has been taken thereon?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The report called for from the Land Revenue Commissioner has been received and it is under the consideration of the Government.

MR. A. HOOGEWERF (*Nominated*): When was the report received?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Three weeks ago.

Prosecution of Grave Offences.

200. MR. A. HOOGEWERF (*Nomiated*): Will the Government be pleased to state the number of times the District Superintendents of Police and the Assistant Superintendents of Police have attended courts to watch the prosecution of grave offences in 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* furnishing the information required by the member is laid on the table.

Work of the Excise Committee.

201. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) how many meetings of the Excise Committee have been held;

(*b*) what progress has been made; and

(*c*) whether the report will be ready in Makaram as required in the G. O.?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Only one meeting was held and that was on the 12th January, 1924.

(*b*) and (*c*) Government have no information.

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* *Vide* Appendix II—page 689.

MR. A. HOOGEWERF (*Nominated*): Have the Government made enquiries as to whether the committee is working and when the report will be submitted?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is too early to make an enquiry. When the answer to this question was being prepared it was said that the committee met once. Subsequently another meeting has also been held.

MR. A. HOOGEWERF (*Nominated*): When?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): On the 15th January.

Appendix I.

***Vide* Answer to Question No. 194.**

Statistics *re* Interpellations.

Session.	No. sent up by members.	No. disallowed.	No. answered.	Left unanswered.
Karkatakam, 1097 ...	90	11	73	6. These have lapsed.
Vrischikam and Minam, 1098 ...	482	31. Of these, 2 were disallowed as having been already answered.	322	129 Do.
Karkatakam, 1098 ...	302	7	226	69 Do.
Tulam, 1099 ...	145	19. Of these, 4 were disallowed as having been already answered.	104	22

Appendix II.

***Vide* Answer to Question No. 200.**

Statement showing the number of days on which the District Superintendents and Assistant Superintendents attended courts in 1098.

	Magistrates' Courts.	*Sessions Courts.*
District Superintendent, Trivandrum	...	4
Assistant Superintendent, Do.	...	11
Do. Nagercoil	...	3
District Superintendent, Quilon	...	5
Assistant Superintendent, Do.	4	8
Do. Chengannur	1	6
District Superintendent, Kottayam	...	1
Assistant Superintendent, Do.	21	5
Do. Perumpavur	...	10

[Mr. N. Ramakrishna Pillai.]

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Appointment of a Committee to Enquire into the Working of the Department of Ayurveda—(Continued).

MR. PAUL V. DANIEL (*Agastisvaram*): Sir, I have been listening carefully to the arguments advanced on both sides of this House for and against the resolution now under consideration by the House. I find that I cannot make up my mind to support this resolution as it is worded, and as it was commented upon by the members on this side of the House. To me it appears, Sir, that asking the Government to appoint a committee to enquire, as well, into the charges that have been alleged against the officer concerned, would amount to arrogating the powers of the Government. The matter is already under enquiry at the hands of the Government. I therefore think that it would not be advisable to appoint a committee to enquire into this matter.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): What is the matter now under the enquiry of the Government?

MR. PAUL V. DANIEL (*Agastisvaram*): The irregularities; that is my information.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is it his information that the Government are making an enquiry into the matter?

MR. PAUL V. DANIEL (*Agastisvaram*): Yes; that is my information.

As rightly observed by the learned Law Member, Mr. Subba Aiyar, if all the charges alleged against the officer concerned are found to be true, the officer will be duly dealt with by the Government. But, as for the matter of suggesting measures for the encouragement and expansion of the department, I am in full sympathy with the members of this House. If a good case is made out and if it is possible that such a thing can be done by a committee of officials and non-officials, of course, I shall gladly support such a motion.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I come to the front, Sir?

PRESIDENT: Yes.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, I have been listening with interest to the reply made by the official member in answer to the statements made by me in moving the resolution. I was not surprised to find that there was absolutely no explanation for the several allegations made by me as I was sure that the position I had taken up was unassailable. Of one thing I can assure the Chief Secretary, if any assurance were needed, that my object in urging an enquiry, as the words of the resolution unmistakably prove, was not to uproot the plant so carefully guarded by the Government, but only to weed out the growth that obstructs and hinders its own growth at its

young and tender age. It was my anxiety for its welfare that prompted me to seek permission to move this resolution. During the course of the discussion I heard gentlemen, except perhaps Mr. Paul V. Daniel,—well acquainted and not so well acquainted with the Director—speaking in terms of condemnation against the present management of the Ayurveda Department. I am as well acquainted with Mr. Sankara Menon as any one else, and I have very great regard for his ability and attainments. But I am only concerned with the department and I am sure it will prosper under his care if only the existing evils are examined and removed.

The Chief Secretary referred in detail to the history of the department, which, I take it, was intended as an argument against the several allegations made by me. But I venture to submit that this is not an argument, and I am not alone in this view. All the members on this side of the House who spoke on the subject were almost unanimous in thinking that the arguments I advanced have not been met at all and that the defence put up by him was no defence at all. One of my friends did not even hesitate to characterise portions of the reply as evasive. I do not, therefore, think it necessary to take up the time of the Council with an examination of that reply. Indeed there is nothing to which any reply is called for.

But I have to deal with the evidence and the arguments offered by two other members on the other side of the House. If evidence were going to be tendered on the side of the Government, the best evidence that should have been offered was the evidence of the accounts themselves, about the publication of which so much was said on both sides. Mr. Subba Aiyar was very emphatic in his condemnation of the hearsay evidence on which I am supposed to have founded my arguments. But he evidently forgot that he, or rather the Government which he represents, was in possession of that kind of evidence with which alone he would be satisfied. I am a lawyer myself and it did not strike me that I should have come armed with evidence here as in a court of law. I am surprised that Mr. Subba Aiyar should suggest the application of the technical rules of procedure of a court of law in dealing in this House with questions of administrative policy. I was all along under the impression that an administrator ought to travel beyond the records and seek for all available information from every quarter. Administration would be difficult indeed if available sources of information were shut out on technical grounds like these. We also heard so much about other rules of evidence, as, for example, the rule that only persons who have got personal experience should offer evidence. The mere statement of this theory is enough for its condemnation. After all—

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Is there not a responsibility on a member of this House, when he makes a certain number of allegations, to say if he has verified the truth of the allegations?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I do not understand what Mr. Rangaswami Aiyangar says.

[Mr. N. Ramakrishna Pillai.]

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Does there not lie a responsibility on a member of this House when he makes certain number of allegations to say also whether he has taken any trouble to test their accuracy?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I do not deny that. I am coming to it.

After all, where was the necessity for all the evidence in a matter so plain and unrefuted? I ask, have the facts been met?

There was the implication of a more serious charge against me which is contained in Mr. Subba Aiyar's speech. He referred to the jealousy of private practitioners on account of the existence of the Government pharmacy and the stories circulated about the exorbitant prices and the inferior quality of the medicine supplied by the pharmacy. He apparently thinks that credulous members have taken them up and served them in this House. I regret that Mr. Subba Aiyar—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): One word by way of explanation. I took it from Mr. M. N. Pillai's speech. He himself suggested it. It may be that the members are ill-informed.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Am I to understand that Mr. M. N. Pillai's statement also is hearsay evidence?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I only suggested that it might be due to the fact that members are ill-informed.

MR. N. RAMAKRISHNA PILLAI: (*Vaikam cum Ettumanur*): He apparently thinks that credulous members have taken them up and served them in this House. I regret that Mr. Subba Aiyar should have made such a statement. Honourable members on this side of the House have as much sense of responsibility as any of the members sitting on the other side. Though we have not the advantage of having as much information as the other side possesses, we take care that the source from which we receive information is as reliable as possible, and we do take the greatest pains to satisfy ourselves as to the accuracy of the statements that we make. To suggest that we have not been fully alive to our responsibilities in the matter of making statements and assertions implies an attitude against which I emphatically protest. (Mr. P. K. Narayana Pillai: "*Hear, hear*"). The very fact that there is a difference of opinion as to the quality of the medicine is a ground for an enquiry. After all, the evidence that the quality of medicine is good is irrelevent so long as the other allegations remain unanswered.

The Law Member says that, if there are irregularities and malpractices, there is the Departmental Enquiries Regulation under which action may be taken. Very serious allegations are made against the Ayurveda Department in this Council. But Mr. Subba Aiyar would dismiss them as hearsay evidence. Would Mr. Subba Aiyar, however, tell us, how many departmental enquires were made during the past ten or fifteen

years? There have been, as a matter of fact, very serious accusations against several officers but I have only sought for an enquiry in regard to the working of the Ayurveda Department with a view to its development and progress. As to the argument against the importation of foreigners I need say little, as I never wanted it and as the argument comes with such ill grace from those who were advocating it the other day.

After all, what is it that I am asking the Council to do? Nothing but a request for a committee to suggest measures for the further encouragement and expansion of the Ayurveda Department. To say that, because an officer's conduct is criticised, therefore no such enquiry is necessary, is rather not quite acceptable, at any rate, so far as I am concerned. The Government themselves, under the circumstances, should have appointed such a committee. I am sorry that the request when made is opposed.

I will only refer to the points on which I desired an enquiry should be made, and I would earnestly pray the house to adopt the resoultion moved by me. It is, as Mr. Hoogewerf observed, a simple and modest one.

The following are the points on which I requested that an enquiry should be made:

The extension and improvement of the grant-in-aid system, the improvement of Ayurvedic instruction, the extension and improvement of the hospitals, and the question of maintaining the pharmacy and the botanical garden in Trivandrum.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, the criticisms levelled against the Ayurveda Department, by the learned mover of the resolution and the other members who supported him, relate to the following institutions under the charge of the Director of Ayurveda, *viz.*,

(1) the grant-in-aid *vaidyasalas*;
(2) the hospital and dispensary;
(3) the Ayurveda College and the grant-in-aid *pathasalas*; and
(4) the Ayurveda pharmacy.

I shall take up these institutions *seriatim*.

(1). *Grant-in-aid vaidyasalas.* The points urged against these institutions are:

(*a*) that during the period from 1092 to 1098 the number of *vaidyasalas* decreased by 2 per cent.;

(*b*) that there have been several complaints regarding the way in which the *vaidyasalas* were conducted;

(*c*) that there has been no improvement in the matter of efficiency or extension of these institutions; and

(*d*) that the Director has not been inspecting these institutions satisfactorily.

[Mr. P. K. Narayana Pillai.]

The statement that during the period from 1092 to 1098 the number of *vaidyasalas* was reduced by 2 per cent. is incorrect and misleading. The policy of Government in regard to these institutions is clearly laid down in G. O. Dis. No. 498/G of 21 dated 18th March, 1921. It is a pity that the learned member has not seen this G. O. though it was published in the *Gazette*. This G. O. proposes to raise the number of *vaidyasalas* to 108 in the mofussil at the rate of one for four *pakuthies*, and 2 additional ones for towns, fixing the total number at 120 to be reached in the fulness of time. In pursuance of this policy, ten additional *vaidyasalas* have been newly sanctioned, and notwithstanding the abolition of defunct institutions, the total number of *vaidyasalas* is 82 against 74 in 1092. It cannot, therefore, be said that there has been no expansion of these institutions.

The allegation that there has been no improvement in the matter of efficiency is equally baseless. The correct test of efficiency of these institutions is the increasing demand for medical aid, the increase in the number of patients treated and the increase in the percentage of the number cured. The number of patients treated by grant-in-aid *Vaidyans* rose from 14 lakhs in 1093 to 19 lakhs in 1098. As regards the statement that there have been several complaints against the management of *vaidyasalas*, Mr. Ramakrishna Pillai does not say in respect of which institution the complaints were made—whether they were made to the Director, and if so, whether he declined to take cognisance of them.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have the Government any statistics concerning the number of persons treated before the system commenced?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The system commenced in the year 1071. We have no statistics relating to the number of patients treated before the introduction of the system.

Presumably the complaints were against useless *Vaidyans* all of whom have now been eliminated. The one real defect brought to light in connection with the administration of these institutions is that they have not all been personally inspected by the Director.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Which is the portion of my speech that has been referred to?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Several complaints were made against the management of the *vaidyasalas*.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Am I to understand that all these complaints are false?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it a fact that complaints were made, in the first place?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is exactly what I am asking. Was there any complaint made to the Director and did he refuse to take cognisance of it? That is what I ask.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are the Government aware of any complaint?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have no information.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Have the Government asked the Director, at the time the resolution was sent up, whether there was any complaint?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There was no necessity for it. So, the Government did not ask him.

As I said, presumably, the complaints were against the useless *Vaidyans* all of whom have now been eliminated. The one real defect brought to light in connection with the administration of these institutions is that they have not all been personally inspected by the Director. Government have already taken note of this and insisted on the Director moving about in camp more largely.

(2). *The Hospital and Dispensary.* The defects pointed out in respect of this institution are:

(*a*) that absolutely no improvement whatever has been made in this branch of the department;

(*b*) that it was very largely availed of by the people during the first five months of its establishment, but that there has been no progress since then; and

(*c*) that the decoctions and medicines sent to the hospital are not of the best quality.

The medicines supplied to the hospital are from the Ayurveda pharmacy and there is no foundation for the allegation that they are inferior in quality. I shall refer to this again when I speak of the pharmacy. It is a travesty of truth to say that the number of patients treated in the hospital has begun to decline. The published figures show that the number has been steadily on the increase. It was over 23,000 in 1094, over 25,000 in 1095, over 29,000 in 1096 and over 30,000 in 1097.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Is there any means of verifying these figures? The Darbar Physician inspects the various hospitals and checks the various figures. I want to know whether there is any such check or verification of these figures.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Director of Ayurveda is expected to go about and inspect the various institutions. These are the figures furnished by the Director of Ayurveda. We have to rely on them.

[Mr. R. Krishna Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether any member of this Council has raised the question that the departmental figures are not reliable.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I think we shall have to rely on the departmental figures.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has anybody raised that question?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No. There was, however, a decline in the number of patients in the year 1098, the number treated during the year being only over 24,000.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are the Government in a position to explain the decline in the year 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): We cannot draw any inference from the figure for this particular year alone, because there was a steady increase in the previous years.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have the Government called for an explanation for the decline in that year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

Now the treatment of 10,000 persons during the first five months of the establishment of the hospitals is considered satisfactory by Mr. Ramakrishna Pillai. This works out at 24,000 patients a year, and judged by this standard, the number treated during 1098 must be considered satisfactory. In regard to the observation that this branch of the department has not been extended, I beg to point out that only five years have elapsed since the establishment of the hospital, and the opening of fresh institutions can come in only gradually. The necessary funds must be available and efficient *Vaidyans* with the hall-mark of qualification should also be forthcoming to run the institutions. In this connection I should invite the attention of the House to the reply given by the Dewan at the nineteenth session of the Sri Mulam Popular Assembly to the representations made by Messrs. Kochukunju Pillai and Kochunni Vaidyan on the subject. The Dewan explicitly said that Government would continue to devote more and more attention as time advanced to the development of the Ayurvedic system.

Mr. Ramakrishna Pillai says that it is a matter for enquiry whether a few more hospitals and dispensaries could not be established and whether some of the major municipalities may not be asked to maintain hospitals within their limits, and points out that these matters may be referred to a committee. The provision for medical relief is one of discretionary functions of municipalities under Regulation V of 1095, and a committee is not necessary to enquire into this matter or into the question of extension of the system of Ayurveda, in regard to which the Government have already declared what their policy is.

(3) *The Ayurveda College and the grant-in-aid Pathasalas.* So far as I can see, the only specific criticism made against these institutions is that there are no published rules for regulating the admission of students. In regard to this, I may be permitted to point out that only those students who pass the third year examination at the Ayurveda *Pathasala* are admitted into the college classes. I may also mention for the information of the House that rules regarding the admission of students in the college and grant-in-aid Ayurveda High Schools have been codified and submitted to the Government by the Director. They are under consideration.

(4) *The Ayurveda Pharmacy.* This has come in for the largest share of criticism. The main defects pointed out are:

(*a*) that no proper accounts are maintained in the institution;

(*b*) that no audit was conducted till 1098;

(*c*) that the supply of articles to the institution is not arranged under a system of contract;

(*d*) that the prices paid for the articles are exorbitant;

(*e*) that no sale list of medicines is available or has been published;

(*f*) that the medicines sold are inferior in quality, and that their prices are high compared to those charged by private *Vaidyans* in Travancore and elsewhere; and

(*g*) that the Government are incurring a serious loss, without at the same time benefiting the public.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Does the member mean to say that I made the statement that the prices are very high?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not know whether Mr. Ramakrishna Pillai made that statement or not. That was the impression left in my mind on hearing the various speeches of the members of this House.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know who made that statement?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say. I do not remember that. I gathered it from the speeches of the members on the other side of the House.

It is true that one of the Account Officers was able to audit the accounts of the pharmacy only in 1098, *i. e.*, four years after it was opened. Such delays are inevitable seeing that the number of Account Officers available for outside audit is small.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I wish to know whether the audit was not made after the matter was brought to the notice of the Government by an interpellation by this Council.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not sure.

[Mr. R. Krishna Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*). How many Account Officers are there under the Travancore Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): One Chief Account Officer and five Assistant Account Officers. There are two officers for outside audit work.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Who inspected and audited the accounts of the Ayurveda pharmacy—the Chief Account Officer, or one of the Assistant Account Officers?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Senior Assistant Account Officer went there.

Such delays are inevitable, seeing that the number of Account Officers available for outside audit is small, while the number of institutions to be inspected is considerable. In any case the blame for the belated inspection cannot be thrown on the Director or his department. The audit of the accounts of the pharmacy has disclosed three outstanding defects, *viz.*, (1) the purchase of raw materials required for the manufacture of medicines without resorting to auction or calling for tenders, (2) the payment of widely divergent prices for the articles, and (3) the non-maintenance of certain accounts which the Account Officer considers necessary for avoiding possible frauds and leakages. Government are considering whether the contract system should not be insisted on in regard to the supply of articles required for the institution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Will the Chief Secretary tell us whether the pharmacy is not working at a loss?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say whether it is working at a loss or not. I am coming to that later on.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): You say that the prices are divergent. Is it a euphemistic way of saying that systematically higher prices are paid for purchases for the pharmacy?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The prices charged are not invariably high except in the case of some articles.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Will the Chief Secretary tell us whether the prices have always been systematically uniform?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say that the prices charged have been in all cases high. But in some cases they have been very high.

As regards the accounts to be maintained in the pharmacy no forms have so far been prescribed, and the Director has been maintaining those accounts which he considers necessary. The maintenance of an elaborate system of accounts would, in the opinion of the Director, necessitate a strengthening of the existing staff. All these points are being considered by the Government.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know from the Chief Secretary whether there is a separate account in the hospital and whether that account has been compared with the accounts of the pharmacy and both checked?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I believe it must have been compared. In regard to the exorbitant rates of prices said to have been paid by the Director for the supply of raw materials, pointed reference was made by several members on the other side of the House to the purchase of *marotti* oil. Two tins of that oil were purchased for Rs. 52 in 1097.

MR. JOSEPH PANJIKARAN (*Shertallai*): Will the Chief Secretary be pleased to tell us whether each tin contained more than one *edangali* of *marotti* oil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I believe that one tin will contain more than twelve *edangalies.*

MR. JOSEPH PANJIKARAN (*Shertallai*): In this particular case, will the Chief Secretary be pleased to tell us the quantity of *marotti* oil in each tin?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Director only says that two tins of *marotti* oil were purchased in 1097 for Rs. 52. That means that each tin contained more than 10 *edangalies.*

MR. N. KUMARAN (*Nominated*): May I know the ordinary market rate for one tin of oil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am coming to that.

In regard to this, the Director points out that the ordinary crude oil that goes under the name *marotti* oil cannot be administered to patients internally even though it could be obtained cheap and that the price paid for refined oil can by no means be considered high, seeing that good oil is sold in Calcutta at Rs. 10 per seer, according to the price list published by Dr. Gananath Sen. This works out at Rs. 90 per tin.

P. K. NARAYANA PILLAI (*Ambalapuzha*): Was this particular oil purchased in the market and, if so, where?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I think it was purchased from a local contractor.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There are no contractors for the pharmacy. Was it purchased from the Chalai bazaar? Where was it refined?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It was refined under the supervision of Mr. Sankara Menon.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Are the price of the oil and the cost of refining entered in the accounts separately, and was any remuneration given to Mr. Sankara Menon for his work in connection with the refinement of the oil? Where was the refinement made—I mean, by the contractor?

[Mr. R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am told by the Director that the refinement was done by the contractor under his supervision.

MR. J. JOHN NIDIRY (*Changanachery cum Minachil*): Was there any contractor for the supply of medicines?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

MR. JOSEPH PANJIKARAN (*Shertallai*): Can you give the name of the contractor who refined the oil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I believe it was Mr. Sivatanu Pillai who did it.

MR. JOSEPH PANJIKARAN (*Shertallai*): Does the account contain any mention of the quantity and quality of the oil?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The accounts mention that two tins of *marotti* oil were purchased for Rs. 52. There is no specific mention in them as to the quantity or quality.

MR. M. K. KHADIR PILLAI (*Nominated*): Is the Chief Secretary aware that large quantities of *marotti* seeds and oil are being exported annually from Travancore to Calcutta and other places?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; I know.

P. S. Variar of Kottakal sells refined *marotti* oil at Re. 1 per ounce.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Will the Chief Secretary tell us whether the oil supplied by Mr. Sivatanu Pillai is as refined and as medicated as the one supplied by P. S. Variar's factory?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I never saw it myself. What the Director says is that the oil is fit for medicinal purposes.

Then as regards the difference in the rates charged by the Palace contractor and those paid by the Director, he points out that some of the articles quoted in the Palace list can never be had for the contractor's prices.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether there was any additional expenditure on account of buying and refining the *marotti* oil?

PRESIDENT: I thought we had done with *marotti* oil. (*Laughter.*) The Chief Secretary is speaking of some other thing now. Therefore that does not arise here.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Take for example *Kanmadam* (കന്മദം) or *Silajatu*. The Palace contractor's price was one rupee and twelve annas for 20 tolas in 1097, while

the Director points out that according to the published catalogues, the price of genuine *Silajatu* is Rs. 2 per tola.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the Chief Secretary aware that there are different kinds of *Silajatu*?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is exactly what the Director emphasises.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Chief Secretary be pleased to say who tests the quality of the drugs supplied to the Palace?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The quality of the drugs supplied to the Palace is tested by competent men.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): What I want to know is whether they are certificate holders.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not know.

So, the prices as per the Palace contractor's list cannot be taken as a criterion in such matters. The allegation that the medicines supplied from the pharmacy are of inferior quality has no substance in it. Does the House seriously think that, if the quality of the medicine had been really inferior, medicines to the value of more than Rs. 10,000 would have been sold to the public from the pharmacy during the past 6 years?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): People must have medicine, and if they cannot get it from elsewhere, they must get it from the pharmacy.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): May I know the prices of medicines charged for the Ayurveda dispensary?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): They are being supplied at cost price.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): What is the total cost of the medicines supplied to the dispensary?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In 1094, Rs. 4,917; in 1095, Rs. 7,499; in 1096, 9,000; and in 1098, 6,823.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Is it a fact that the sale of medicines has been declining for the past two years?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes, there was a slight fall. In 1096, the fall came to Rs. 13,000; in 1097, to Rs. 11,000; and in 1098, to Rs. 10,000. It will be observed that there was a fall in 1098 in the number of persons treated.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether it is a fact that in certain cases medicines were supplied to the hospital at three or four times the actual price?

[Mr. R. Krishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have not come across any such instances.

The allegation that the price of the medicine is comparatively high is equally unfounded. Two respectable members of this House were able to bear testimony——

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was it not with respect to isolated instances?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am going to quote other instances also. I have compared the prices for some of the standard medicines in common use charged by the pharmacy and by a few private *Vaidyans* in Travancore and elsewhere. The rates are—

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to know whether milk does not form an essential necessity for preparing *dhanvantaram*.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not a doctor.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Do the accounts show that for the Ayurveda pharmacy any milk has been purchased?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not in a position to say anything definitely.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): If it could be proved that medicines requiring milk were prepared in the pharmacy and that no milk was actually purchased or supplied according to the accounts—

PRESIDENT: That is a problematical question.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is a question which I cannot answer, as I am not a doctor.

PRESIDENT: It is time. You must hurry up, Mr. Krishna Pillai.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I shall give the prices for various articles in the pharmacy and in other places.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Is it from their price lists?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes; it is from the published price lists.

			Pharmacy Price.			പരുത്തുന്നേ വൈദ്യശാല.			കോട്ടക്കൽ പി. എസ്സ്. വാരിയർ.		
			Rs.	ch.	c	Rs.	as.	p.			
1.	ധാന്വന്തരം തൈലം	12 oz.	1	8	0	2	8	0	3	0	0
2.	ധാന്വന്തരം കുഴമ്പ്	12 oz.	1	8	0	2	8	0	3	0	0
3.	ദിനേശകേരം	12 oz.	1	2	0	2	0	0			
4.	അസനവില്വാദി	12 oz.	1	2	0	2	0	0	3	0	0
5.	ബലാഗുളൂച്യാദി	12 oz.	1	0	0	2	0	0	2	0	0
6.	സുകുമാരഘൃതം	12 oz.	3	0	0	4	8	0	6	0	0
7.	ഗുല്ഗുലുതിക്തകം	12 oz.	3	0	0	4	8	0	6	0	0
8.	ച്യവനപ്രാശം	1 lb.	1	16	0	4	0	0	4	0	0
9.	ദശമൂലരസായനം	1 lb.	1	0	0	3	8	0	5	0	0

Sita Ram Anglo Ayurveda Pharmacy.

			Rs.	as.	p.
1.	ധാന്വന്തരം തൈലം	12 oz.	3	12	0
2.	ധാന്വന്തരം കുഴമ്പ്	12 oz.	3	0	0
3.	ദിനേശകേരം	12 oz.	2	8	0
4.	സുകുമാരഘൃതം	12 oz.	3	0	0

These figures give the lie direct to the story that the prices charged by the pharmacy are excessive. As pointed out by Mr. Subba Aiyar, the story might have been concocted by interested native *Vaidyans* who find that they are unable to successfully compete with the pharmacy and therefore cry it down.

In regard to the complaint that no price list of the medicines sold from the pharmacy is available, I may point out to the House that a copy of the list is hung up for public information at the pharmacy. If its publication in the *Gazette* is considered necessary, it may be arranged for. The charge that the Government are incurring a loss on account of the pharmacy is untrue. The medicines supplied to the hospital are at cost price and those sold to the public fetch a profit of ten per cent. to the Government, so that there is no loss whatever on account of the transactions of the pharmacy.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know from the Chief Secretary the percentage of profit made by our private *Vaidyans*?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not aware of it.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Will the native physicians furnish information about the profits they make?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Not likely.

[Mr. R. Krishna Pillai.]

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Mr. Variar's catalogue does not contain the information. Will the Chief Secretary give us P. S. Variar's rate for *Dinēsakēram*?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The price for *Dinēsakēram* in our pharmarcy is Re. 1 chs. 2 for 12 ounces while in the Sita Ram Anglo Ayurvedic Pharmacy it is Rs. 2 as. 8 for the same quantity.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Is the Chief Secretary aware that the medicines for the preparation of these things are available at a cheaper rate in Trivandrum than elsewhere?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not sure and cannot say for certain whether it is so.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is he aware whether, in computing prices of these medicines, supervision charges and rent are taken into account?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No; in fact, as I said, no regular profit and loss account is being kept there.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there any demand for these medicines from outside Travancore?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not sure.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Is the pharmacy permitted to sell medicines by value payable post?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): They are not permitted to send medicines by value payable post.

Mr. Ramakrishna Pillai has also raised the question whether it is sound policy to maintain a pharmacy at Sirkar cost. I may tell the House that the Government keep an open mind in regard to this matter. As there is a Government Ayurveda hospital in Trivandrum and as Ayurvedic medicines of the requisite standard are not available in the open market like the allopathic medicines, a Government pharmacy has to be maintained. The suggestion to order medicines from Calcutta is not practicable. In the first place, all the medicines required in the hospital may not be available there. Secondly, the cost of getting them down would be very high. A pharmacy is also necessary as an adjunct to the students of the college for the purpose of giving them a course of training in the preparation of medicines. It would also prevent private *Vaidyans* charging excessive prices for medicines required by the public. But, if the House thinks that the system of selling medicines to the public may be stopped, there is no objection to this being done, the operation of the pharmacy being confined to the supply of medicines to the hospital and to the imparting of instruction to the students of the college.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know why there is a decline in the sale in spite of the low prices?

PRESIDENT: He has given the figures.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I believe I have now answered almost all the criticisms raised by the members on the other side of the House. I have shown that there are no serious defects in the working of the grant-in-aid *vydiasalas*, the Ayurveda College and the *Pathasala* and the Ayurveda hospital and the dispensary. The speeches made on the other side of the House referred to administrative defects. Even if they are true, it is the function of the Government to remove them.

MR T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does it mean that this Council cannot consider administrative questions?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No, certainly not, and I did not mean that.

I have shown that there are no serious defects in the working of the Ayurveda College and Ayurveda dispensary, which necessitate the appointment of a committee. As regards the pharmacy, the Account Officer's inspection has disclosed certain defects and the whole matter is under the consideration of the Government. If any officers of Government are seriously to blame, Government must have an opportunity of taking their explanation and dealing with them in the ordinary course. On public grounds it would be obviously inexpedient to allow any committee to enquire into the conduct of those officers. The enquiry, if found necessary, should be held by the Government under the Regulation and rules in force. I would therefore request the House not to press for the appointment of a committee till the Government are in a position to consider the Account Officer's report and pass final orders thereon.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Does he mean to suggest that the appointment of such a committee as proposed by Mr. Ramakrishna Pillai is not within the province of this House?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not deny that it is within the province of this House.

MR. K. C. MAMMEN MAPPILLAI (*Commerce and Industries, North*): Then seeing, that the Government have in the past appointed such committees, though, as in the case of the Kallar Resolution, there was a majority against the appointment of a committee, will the Government be pleased to say whether they do not consider it desirable to appoint a committee in this instance also, having regard to the large volume of public opinion in the matter.

PRESIDENT: It does not arise now?

[Mr. N. Ramakrishna Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There are no serious defects so as to warrant the appointment of a committee. As for the pharmacy, the whole question is under the consideration of the Government. They must have time to consider the whole matter and pass final orders.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have the Government considered the possibility of developing the Ayurvedic system in Travancore?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say that the Government have not considered it. I have pointed out what the policy of the Government is in regard to the development of the Ayurvedic system.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will not the Government be assisted by the advice of a committee in the matter of developing the system, if a competent committee is appointed, as they would be in a position to suggest suitable measures?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not deny that.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Do the Government propose to appoint departmental Ayurveda *vaidyans* on suitable pay?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is a question to be considered.

PRESIDENT: Do you press this motion, Mr. Ramakrishna Pillai?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes; I press the motion to a division.

The motion was put to the vote and lost, 15 voting *for* and 17 *against*.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I demand a poll.

A poll was taken with the following result:—

AYES—17.

1. Mr. T. M. Chidambaratanu Pillai.	10. Mr. K. Paramesvaran Pillai *Tiruvalla.*
2. ,, N. Kumaran.	11. ,, M. N. Pillai.
3. ,, T. Kumara Pillai.	12. ,, L. R. Raja Raja Varma.
4. ,, M. R. Madhava Variar.	13. ,, N. Ramakrishna Pillai.
5. ,, K. C. Mammen Mappillai.	14. ,, C. Sankara Menon.
6. ,, P. K. Narayana Pillai.	15. ,, K. Dominic Tomman.
7. ,, J. John Nidiri.	16. ,, T. K. Velu Pillai.
8. ,, Joseph Panjikaran.	17. Rev. Fr. Kuriakose Vettikkapalli.
9. ,, P. Paramesvaran.	

NOES—18.

1. Mr. I. C. Chacko.
2. „ Paul V. Daniel.
3. „ R. Dhanukoti Pillai.
4. „ K. George.
5. „ L. C. Hodgson.
6. „ M. K. Khadir Pillai.
7. „ R. Krishna Pillai.
8. Dewan Bahadur Dr. P. N. Lakshmanan.
9. Mr. T. Lakshmana Pillai.
10. Mr. K. V. Natesa Aiyar.
11. „ S. Paramesvara Aiyar.
12. „ K. Paramesvaran Pillai. (*Ag. Director of Agriculture*)
13. „ W. H. Pitt.
14. „ C. Ramankunju.
15. Rao Bahadur K. V. Rangaswami Aiyangar.
16. Mr. S. C. H. Robinson.
17. „ V. Subba Aiyar.
18. „ A. J. Van Ross.

The resolution was declared lost.

Appointment of a Committee to Enquire into the Working of the Development Departments.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I rise to move that:

"*This Council recommends to the Government that a Committee of officials and non-officials be appointed to enquire into the working of the Development Departments, e. g., Agriculture and Fisheries, Industries, Co-operative Societies and Forests, and to suggest means by which better results may be obtained.*"

It is gratifying to see that the Travancore Government have realised to the full extent the necessity of developing the resources of the State with a view to national prosperity. The amount of money which is being willingly spent on the departments of education and public works and the growing interest evinced by the Government in strengthening the new bureaus of Agriculture, Industries and Co-operation are being thankfully appreciated by the people. Pronouncements have been made from time to time regarding the careful preservation of our resources within the forests and the effective and profitable utilisation of that abundant source of natural wealth. But the finances of the State have not improved and the material welfare of the people has not adequately advanced in spite of the increasing clamour on the part of the people and the readiness of the Government to devote the funds at their command to the realisation of their laudable object. The time has come when we should take stock of the results hitherto obtained and examine the soundness of the policy hitherto pursued.

I shall first deal with the Forest Department. It was first organised in the time of Dewan Sir T. Madhava Rao, and is therefore the oldest of the present Development Departments. What strikes one at the outset of the enquiry is the manner in which its net income continues to be influenced by inexplicable variations.

[Mr. T. K. Velu Pillai.]

Year	Net revenue	Year	Net revenue
1087 ...	Rs. 2,83,383	1096 ...	Rs. 3,56,260
1090 ...	Rs. 5,40,839	1097 ...	Rs. 3,55,500
1093 ...	Rs. 8,64,955		

This rise and fall of the scale is unsatisfactory and inexplicable. It may be contended that the forests exist not for revenue primarily, and that the work of the department should not be measured by a pecuniary standard. That, however, is an idle defence. The consensus of educated opinion, the opinion of economists and financiers, establishes the principle that commercial advantage is one of the foremost objects of the scientific conservation of forests. Although the theory of the forest officers may be different, their practice has now for a long time been to get the largest possible revenue. The proceeds of the sale of timber during the last quarter in successive years will prove the correctness of this observation. The Government too have not been anxious to console the Forest Department when their revenues showed a decrease. Although during the last budget session, the Conservator of Forests pointed out that, because of the want of facilities of transport in other parts of the year, timber would be collected only during definite periods when the rivers were full and that accounted for the large quantities of timber in depôts at the end of the year, I am not inclined to accept this explanation because we find that there is abundance of stock in almost all the depôts during all times. Nor is there any paucity of purchasers. I am afraid that the argument of the Forest Department is not acceptable. The Administration Reports mention the fact that valuable trees such as teak and blackwood have been "over-cut"—I am using the expression "over-cut" in the sense in which it is used in the Administration Report—and dismal hints are given as to the possibility of a speedy extinction of those species of timber. The report for 1087 for instance refers to the decrease in the total quantity of teak available in the forests.

Conservator after Conservator has cultivated the habit of looking upon himself more as a revenue officer than as the guardian of the sylvan regions, interested in their healthy maintenance and gradual development as a permanent source of wealth. Valuable trees were felled from all accessible places, but adequate care had not been taken to safeguard natural regeneration or encourage plantations. Survey and demarcation are going on in a cycle without any ultimate goal, so far as we can see from the Administration Reports themselves. Creeper-cutting on an insignificant scale appears to be the only one of the important devices known to the department in helping the growth of trees. But the reports carefully omit the area over which this creeper-cutting was done or the amount of money expended on it. Fire-protection is done if at all in a perfunctory and fortuitous fashion. In 1082 only 2,827 acres, "being teak and other plantations," were under a regular

system of fire-protection. In 1084, 191 square miles of reserved forests were destroyed by fire. Some steps seem to have been then taken, and the next year we find that only 12 square miles were destroyed by fire. It is difficult to accept the figures for 1092, 1093, 1094, 1095 and 1096.

Year.		*Number of Sq. Miles burnt.*	*Year.*		*Number of Sq. Miles burnt.*
1091	...	6	1094	...	4
1092	...	2	1095	...	3
1093	...	5	1096	...	2

This would convey the idea that there is only a negligible portion of our forests that is being destroyed by fire year after year. So long as the reports do not state how this small area is ascertained, so long as the localities are not stated with precision, so long as this statement is not supported by cogent and creditable testimony, these figures cannot be relied upon as a practical guide. It is regrettable that even the available figures have not apparently been made use of by some of the representatives of the people. That is an unfortunate circumstance. It became evident in the Council yesterday that one of the members was not able to see where the figures for certain things have been given, although they related to matters in which he was personally interested. Copies of the Administration Reports are being given to all of us, and if a member, especially a highly educated, experienced gentleman goes through them and finds any statement which is palpably untrue he would not hesitate to ask for an explanation. It is for that reason that I asked the Chief Secretary when he was talking on the resolution regarding the Ayurveda Department whether any member had raised the question of the credibility of departmental figures. I am saying this simply because I should be glad to see that all my friends on this side of the House do scrutinise the figures very carefully. There are on this side gentlemen who have been studying statistics very carefully and the country has had the benefit of such scrutiny. I wish more people would do so in order to keep a vigilant eye on departmental figures.

The state of affairs in regard to communications in the forests is not at all satisfactory, and the amount of money spent in past years on original works of communication is very small indeed.

Year.		*Amount spent on communications.* Rs.	*Year.*		*Amount spent on communications.* Rs.
1084	...	11,581	1093	...	3,915
1087	...	15,055	1096	...	6,266
1090	...	7,263	1097	...	4,163

Even this small sum of money spent on roads and bridges has not been properly utilised. I have gathered some information with regard to the condition of the forest roads and bridges. I learn that the Parappar bridge in the Chendurni valley is not fit for use. The Achankoil Tara-Karippantodu road, the Kuttanpuzha-Idiyara road, the Aiyappan Koil road, the Perumpattur-Channakkaman road which was handed over to a Mica Company—all these are being neglected and rendered useless.

[Mr. T. K. Velu Pillai.]

A hide and seek policy encircles the working plans. The scheme of working plans was introduced, I believe, in 1082. Year after year the Administration Reports have had a long paragraph on working plans, and indistinct statements, ambiguous descriptions and pious expectations are recorded. But the work would not go on. In a few years the scheme of every sanctioned working plan was violated both as regards the method of work and the time prescribed. Finally the scheme was abandoned and, to quote the Administration Report, "simple working schemes were adopted in preference to costly and elaborate working plans." During the interval, however, a good deal of Government money had been spent on profitless purposes. It has been clearly demonstrated during the last budget discussion that the net profit realised by the Government on one cubic foot of timber is 1 anna 2 pies ! This disappointing result is due to the time-honoured methods of extraction and transport. The work of collection is done in a pell-mell manner. Large stocks are allowed to accumulate in the forests as well as in depôts ; the timber deteriorates, and is then sold for what it would fetch. Logs with serious flaws and defects are transported at considerable cost to the depôts and sold cheaply, sometimes at very great loss. There is no tariff for unsound timber. Round and square logs alone are sold by the department. Timber sawn to sizes according to the fashions ruling in the market will fetch a higher price ; but the commercial knowledge of the departmental head and his officers is not in evidence. Sir, if trees grow in the forests according to their own accord, and if timber is to be floated down the rivers in times of flood, to be sold for whatever prices available, a high-paid trained scientist at the head of the department and a staff of England-returned assistants may not after all be necessary for the department. We want people to go to Europe and get a knowledge of the conditions there, because we hope that there may be some good accruing to the country as a result of their larger experience. Expectations of this nature are being often falsified. Time-honoured methods are faithfully followed. It is not for this that officers are sent to Europe at the expense of the tax-payer. I am sure that the present Conservator of Forests who is an experienced scientist will look into the matter and see if something cannot be done.

The figures relating to the profits from minor produce are equally unsatisfactory. In 1093, the amount was Rs. 34,176 ; in 1094, Rs. 46,065; in 1095, Rs. 36,792 ; and in 1096, Rs. 36,990. This is inexplicable. Considering the total area of the Travancore forests which are pronounced to be of magnificant quality by eminent authorities, this amount which the minor produce fetches is very low and the matter should be investigated. The efforts of the forest utilisation officers have not been great. The change of the headquarters of the Forest Department from Quilon to Trivandrum is another experiment. The starting of a separate Plantation Division, its maintenance for a number of years and its final amalgamation with the other divisions is another instance of uncertain action. The starting of the Forest School and its speedy abolition is

still another mark of experimental originality. What is the sum total of the contributions of the various officers of the Forest Department? That is a question which the tax payer can legitimately ask. It is not enough if the officers make memories of their sojourn in Europe and their University Degrees a never-failing passport for promotion. They ought to infuse new vigour into the system, and if they are unable to do so they should concede that officers need not be sent to Europe for study at Government cost.

I now proceed to the Department of Agriculture and Fisheries. Having been started about three decades ago by Dewan Sankarasubba Aiyar, and permitted for several years to take its innings in the field of lethargy, the department was reorganised by Sir Rajagopalachariar, and a gentleman who had a notable record in the Trivandrum College and the Edinburgh University was placed in charge of it. Rs. 23,000 was all that was alloted for the department in 1084, but the amount for 1097 was roughly Rs. two lakhs. The department has conducted numerous experiments and made frequent demonstrations. The encouragement of exotic paddy and Mauritius sugarcane, the introduction of artificial manures and improved ploughs, the advice given relating to seed selection, the attempt made to check the spread of the cocoanut palm disease, the inauguration of cattle farms and poultry farms—all these attest the good work already done. Nor have the Fishery and Veterinary branches been neglected. The reports of the Agricultural Department are so exquisitely worded, the facts so beautifully arranged and repetitions made with so much elusive originality that it is difficult to read between the lines. The work of analysing soils, the observation of the habits of fishes, the collection of insects, and experiments in mycology have been mentioned in all the Administration Reports. The Fisheries branch is also said to be doing good work; but the culture and curing of fish do not show very creditable results. The experiments made in order to find the proper habitat for sheep which was brought from Coimbatore and tried successively in Kottarakara and Trivandrum have not fared better. The receipts from backwater and inland fisheries are said to be Rs. 10,317 in 1097. This is not a matter over which the Government can take any credit. This is due to a stroke of the pen which levied a tax on fishing. The veterinary officers are said to be abroad and the number of animals treated in the veterinary hospitals and dispensaries seems to be on the increase! It was 10,300 in 1097, but the number cured does not find a place in the reports so far as I am able to see. The efficiency of the veterinary officers cannot be discovered without these figures.

Apart from all this, there are certain obvious defects in the organisation of the department. The agricultural laboratory at Quilon is far removed from scenes of kindred activity. The number of University men in the department is not sufficient. Has the department done all that it can in the matter of increasing production? The law of diminishing returns is tending to the exhaustion of the soil. Cattle and

[Mr. T. K. Velu Pillai.]

green manure are very difficult to obtain. There has not been yet a serious attempt to grapple with the situation. The charge of irrigation works has not been handed over to the Agricultural Department. Grazing grounds are not being properly conserved. This is a point on which I differ esesntially from the Director of Agriculture. He says that these grazing grounds will spread disease. The cultivation of fodder crops is still in the stage of a neglected experiment. It is not being done on a commercial scale and the department is not doing any poineer work in that direction. The Government cattle farm at Trivandrum should be able to have more cattle and perhaps it may also be useful to provide the milk supply in the city. But even the very thought of it does not seem to have been entertained. The Director who is capable of doing research work of a superior quality has to run up and down the country to auction away an unserviceable bull at Alwaye or to dispose off a few worthless spades and pickaxes in the Trivandrum cattle farm! It is unfortunate that such a talented agricultural chemist should be so cruelly weaned from the test tube and the spirit lamp. The Director ought occasionally to take the test tube. But I am afraid it is now too late because the gentleman has been out of touch with it for a long time. I don't think we are going to get the like of him for a long time to come so far as scientific knowledge is concerned.

The condition of the Department of Industries also merits a very careful enquiry. The heritage of difficulties which fell to the share of the present Director of Industries was not small. The initial mistake consisted, as several of us have observed on previous occasions, in putting an inexperienced man in a situation which required practical sagacity, a knowledge of men and affairs, and a thorough acquaintance with the peculiarities of the country. A Vice-Principal's place in the Training College was found to be unnecessary and the incumbent was sent to the Department of Industries with a flourish of trumpets! The Industries Department has hitherto cost the treasury a sum of about Rs. two lakhs. With this amount the salaries of officers were being liberally disbursed. The Government and the department are certainly interested in getting good work. But the results have not been adequate. A mass of common place information was collected and printed in the form of an authoritative book. All manner of fanciful experts were appointed. Factories of a description unnecessary and unsuited to our conditions were started. Machinery was ordered and paid for. I know of an instance in which the former head of the department even suggested that the price of the machinery might be paid before the work was completed. The 'essential oil' factory, the jaggery factory, the pencil factory, the bamboo depôt, the screwpine depôt, the apiary class, were all abolished. The Government ultimately discovered that the climatic conditions of Travancore were unsuited to the growth of lac insects and the shellac section was closed. But the climatic condition did not affect during all the years the institutions that have been

in existence. If the officers in charge of the department had only taken pains to learn this early from those who knew the conditions of the country, this waste could have been avoided. During these years of doubtful experiments and hypnotised prosperity, the sun rose and set as usual and the officers of the department counted the days of the month to affix their signatures to the salary bills or the acquittance roll. They were also engaged in bolstering up their own achievements. I give some samples taken from the Administration Reports. In the Administration Report for 1095 we come across the following sentence:

"The attempt to introduce bamboo-wares to European and Australian markets proved successful."

Here is another modest claim put forward by the department:

"For the sale of lace and embroidery the department succeeded in finding suitable markets in England, Belgium and Australia."

European and American countries were not ignorant of our wares until the Travancore Industrial Department showed them the way. But these fugitive experiments have cost more than two lakhs of rupees! In the meantime exhibitions on a large scale were organised. Rattan wares, brass vessels, superior laced cloths, the skins of tigers and cheetahs, and large bunches of cocoanuts were exhibited in neatly constructed ornamental *pandals* to the delectation of an admiring world. The officers of the respective departments with assumed jurisdiction over those inanimate objects appeared in grand complacence as though all the articles which had been exhibited by the owners formed a part of the contribution made by the respective departments to the cause of civilization. In the same way I feel sceptical about the claims of the Department of Industries to a share of the credit in creating the expectations which centre round the "Match Factory" and the "Travancore Sugars" which, however, has not yet descended from the ethereal regions of abstraction to the solid land of the living. The above-mentioned industries except perhaps the last were known to the people already, and the legitimate function of the department ought to be to give suitable advice and financial assistance under certain conditions. There are a number of qualified men with European degrees vegetating in the head office of the department without the facility for doing useful work. They draw their pay and indent upon the pleasures of imagination. Some of them have told me that they have not got sufficient work. I raised this point at the time when the budget was discussed in 1097 and on subsequent occasions. Government should allot sufficient funds to turn these people to good advantage. Just a few days ago I happened to visit the School of Arts where I found excellent jars made of granite. It was the first time I saw them although I had already heard a good deal about the new process invented by the Chemical Assistant. It is a pity that the manufacture of these wares is not extended. That is an instance in which an officer of the department has justified his existence but whose inventive genius has not been adequately encouraged. There is no definite plan of work assigned to the specialists. At any rate, the work done, when scrutinised

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with the help of the Administration Reports, does not afford facts for which the department deserves any high congratulation. If facilities are not given to them while they are yet young and energetic, the spirit of the lotus-eaters would blow upon them and make them what they ought not to be. I hope the Director will tell the Council the quantity and quality of their work after the point was raised by me during the budget discussion in 1097.

The Co-operative Department is also forging ahead. The frequent changes in the personnel of the Registrar's office are responsible for some dislocation of work. Now that we have a competent man properly trained in the work he should be given sufficient encouragement in men and money. There is a large number of Inspectors in the department; but their salary is very low. I am not at all for lavishing money on any set of officers even if they belong to the Development Departments. But if the number stands in the way of granting them better pay we shall have to be satisfied with a few well-paid officers. Co-operative Inspectors on circuit have struck me as a kind of forlorn wayfarers and not as responsible and dignified officers of Government entrusted with important duties. This is due to the circumstance that they have not enough wherewithal to maintain their prestige. As it is a pioneer department the position and rank of its officers will weigh considerably with the people in deciding upon new ventures. The figures furnished in the Administration Report for 1097 raise certain interesting points. I find that, of the 367 societies in existence in 1097, so many as 72 were for Nairs, 33 for Christians 1 for Malayala Brahmins, 3 for Ezhavas, 20 for Arayans, 13 for Christian fisher-folk, 3 for Vellalas, 28 for Hindu and Christian Pulayas, 5 for Parayas, 1 for Velans, and 4 for artisan classes. The number of societies for the depressed classes is said to have risen from 44 to 66. How are these figures to be explained? The Christian community in Travancore is a very enterprising community always prepared to take time by the forelock and work for material welfare. But I find that so far as the co-operative department is concerned a different tale is told in the authorised Administration Reports. In 1097 there were 72 societies for Nairs while there were 32 for Christians. I do not know what is the root-cause of that. Possibly it is because the officers have been working more among the classes which ought to show some more enthusiasm in these matters. Anyhow I do not quite understand that. I am glad to find that the societies receive help from the Central Bank only to the extent of Rs. 95,000 or nearly 8½ per cent. of the total amount lent by them. Classified according to the purpose for which the loan was given, Rs. 1,33,000 was for productive purposes and one lakh for non-productive purposes. The increase in the loans for productive purposes and the preference displayed for short term loans are noteworthy and encouraging features.

I have attempted to satisfy the House that in the various Development Departments there have been uncertainty, indecision, waste, and an amount of chronic difficulty in coping with the vital problems. The question of funds has also been insuperable. A thorough enquiry is therefore absolutely necessary. Financial forecasts for a term of years should be made before a settled plan of working the Development Departments may be adopted. We should first of all know where we stand, measure our strength and then undertake suitable projects. At present the Development Departments have their spheres cribbed and confined, each of them being content to keep the show going without clear ideas of harmonious co-ordination. The Economic Development Board is a more comprehensive organisation though its work is less intensive. But that also is inadequate. The function of the committee that I propose is broader and more general. The committee should have the authority to lay down the principle while the Economic Development Board and the various departments should do the work in the manner prescribed. Experts and laymen will have to be represented in the committee, which, however, should not be unwieldy. The rectification of past mistakes as far as possible, and the laying down of a safe and suitable course for the future should be its paramount function. This should be done after a thorough investigation of present conditions and a study of the past as a guide to the future.

Sir, we have now got all the usual exhibits in the show of agricultural and industrial development. No modern State can be without them all for purposes of use no less than to feed the imagination. An esteemed friend of mine once told me that States do have to maintain all the different Development Departments in the same manner as the heads of certain Hindu religious organisations are obliged to maintain elephants, palanquins, horses and camels to show off their greatness. But it is better, rationally speaking, to do away with these poor animals than keep them half-starved and emaciated. I do not believe in the usual excuse of want of funds. A way should be made, if one cannot be found, which will enable us to obtain the money required.

I thought it desirable to discuss this question in order to secure the economic welfare of the people as well as a strong financial position for the Government. Political and social justice is the essential condition of material and moral development. Inequality of income is both the cause and the result of a bad system of economic development. The relations between the fiscal system and the state of industrial and commercial prosperity are reciprocal and intimate. In the first place taxation, whether direct or indirect, should be according to the real capacity of those who are to pay the contribution.

PRESIDENT: We are not discussing finance.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am referring to that to show the connection between taxation and industrial prosperity. I am not referring to it in any detail.

PRESIDENT: Finance is essential for all parts of the administration.

[MR. L. C. Hodgson.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes; it is essential for industrial prosperity also. An industry can thrive only when the taxation system is proper and equitable and can stand the test of reason.

PRESIDENT: You are raising a much larger issue than is contemplated by the resolution.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The wider issue is necessary for a proper consideration of the resolution, but I do not want to dilate upon that. Historical accidents should not be allowed to press down on those who are suffering from the sins of a bad system. According to the present arrangements the individual who makes less than Rs. 2,000 a year from trade need not pay income-tax. The rich man has not to pay more for his salt and his matches than the poor man. But land revenue is like a tyrant who would not permit any one, however fragile, to escape his hard grip. The cultivator may have no food for himself and his children, he may have no lamp to clear up the terrors of darkness, he may not have a splinter of fire-wood with which he may warm himself in a cold night, but the Revenue Recovery Act and the authority of the *Proverthicar* would not excuse him. We have been reminded that on an average a Travancorean has only 10 cents of land where he may cultivate paddy. Therefore the necessity of finding other occupations is all the greater. The Director of Public Instruction took a definite attitude yesterday when he said that no kind of vocational instruction might be imparted to boys or girls in our schools. The Director, Sir, is a good classical scholar who has been responsible for creating a literary taste among his students. But a gentleman who always rides on Pagasus and quenches his thirst at Parnassus would not be able to comprehend the condition of a people who go without food, who have nothing useful to do, and who are miserable in the ordinary affairs of life. I fear, Sir, that the point raised by Mr. Hodgson was nothing more than a battle of words. I am referring to this to show that in considering the question of industrial regeneration the connection of industrial activity with the kind of education imparted in our schools is a very important one which may be always kept in view—a question which should come within the purview of the proposed committee.

PRESIDENT: Your time is up; you have already taken 40 minutes.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I beg your pardon. I shall be very brief.

Sir, I have got an extract which is rather long which I have taken from the *Dictionary of Education*. It gives the history of manual training in different countries. There is absolutely nothing to prevent us from introducing weaving, cooking, spade-work, house wifery and similar subjects in our schools.

MR. L. C. HODGSON (*Director of Public Instruction*): May I know whether he means schools of general or technical education?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In schools of general education, for one period a day, some useful handicraft may be taught, and it will not collide with the jurisdiction of manual training. Mr. Hodgson tells us that manual training and vocational instruction are essentially dissimilar in object and method. Mr. Hodgson tells us that it is his own opinion and he is unable to refer to any published work of authority. Sir, books do count in courts of law and legislative councils and I do not apprehend a contradiction from one who has spent the best part of his life among books. I maintain, Sir, that vocational education is very closely related to manual training, and though they may not both be of the same species they are at least of the same genus. The Travancore authority on manual training, the one admitted to be such by Mr. Hodgson himself, has very often emphasised the usefulness of teaching rattan work in schools. The evidence of the expert is conclusive, at any rate, against the Director of Public Instruction who has deliberately accepted his authority.

MR. L. C. HODGSON (*Director of Public Instruction*): May I explain myself in regard to this point? Mr. Green certainly advocated rattan work and I advocated its teaching; but it was not for its being sold in the market, but for the students knowing the manufacture.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall make my position clearer still. I want the boys and girls in the schools to learn these so that when they go out of the schools they may make some profit. I do not want them to make any profit while at school.

MR. A. HOOGEWERF (*Nominated*): I beg to know from Mr. Velu Pillai whether rattan-making is being taught in these schools?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a question which may be put to the Director of Public Instruction as he is in charge of the department.

PRESIDENT: He cannot put it to him now. The Director of Public Instruction is not in possession of the House.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I mean when the Director begins to talk.

It seems to me there is no inconsistency, no incompatibility between general instruction and vocational training. A few months ago I read a book on the defence of classical education by Mr. Livingstone of the Belfast University and I learnt from it that the German boy who is more careful of the things of this world than anyone else is made to learn Greek and Latin along with German, and that classical education does make him a better artisan. Culture of any kind, Sir, is not possible without food, and if the Director of Public Instruction hopes that the seeds he is sowing should sprout, that Ezhuttachan and Kalidasa and Shakespeare should be read by future generations, I venture to tell him

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that poverty should be assuaged as a kind of condition precedent to further welfare. We talk of the elevation of the depressed classes. It is a legitimate and a proper object. But let us not confine our attention to those alone whose ancestors were depressed and destitute of means of livelihood. Let us also take a thought after the depressed classes of the future. Charity is most deservedly our household divinity, but we should not permit poverty to develop into a household curse. "The shallow rich," said Bagehot, "talk much of the turbulence of the poor and their tendency to agitate. But it is the patience of the poor that most strikes those who know them." There is no justification for the Government in not attempting to assure every individual member of the State a reasonable chance of earning his livelihood.

Henry IV of France is reported to have said that every peasant should have a fowl in his pot. And the great Englishman whose celebrated powers of oratory were equalled only by his militant philanthropy, Edmund Burke, who gave the full reins to his benevolence in pleading the case of the helpless Indians, modified this famous statement and observed that every peasant in India should have rice in his pot. That, Sir, is the object which the Government should strive for. There is a belief among Hindus that a person's soul will be happy in Heaven so long as his good reputation lasts in this world. The western saying, "the voice of the people is the voice of God", is equally eloquent. It is this history recorded in a people's heart that should be the endeavour of our development officers to create, and not the ephemeral promotions and formal appreciation in administration reports.

It is in this spirit that I expect the Development Departments to perform their functions. There is no compartmental system in pursuing the work of nation-building. It is the mutual integration of the various departments that this Council ought to visualise. A system of co-ordination, a clear conception of a good porgramme of work, a reasonable capacity to forecast results in the light of the possible development of society—these are the factors which should be appreciated by all the Development Departments. The committee which I advocate should have functions distinct and separate from those of the various Development Departments. Its sphere should be different from the Economic Development Board. The committee is intended for a higher purpose. Its main duty should be to verify the results that have been already achieved and to take stock of our present economic situation, with its eye towards the dawn of the future with a telescope which can be turned up and down, with a memory of the past and an imagination fertile and reliable enough to fix the constellations in the social and economic firmament of the future. I trust that the resolution will meet with the kind approval of the House.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): I second the resolution.

MR. C. SANKARA MENON (*Quilon*): Sir, I beg to support the resolution moved by Mr. Velu Pillai, and I wish to make a few observations. When the Government sanctioned the industrial survey of the State at the eleventh session of the Sri Mulam Popular Assembly, we entertained very great hopes that valuable information would be available to the Government to develop the industries of the State. But the report that was published after three years of waiting was a sad disappointment. The information supplied therein was inaccurate and copied from Government publications issued twenty years before. The subsequent achievements of the officers of the Industries Department were as unsatisfactory as the previous ones. No organised effort to develop the existing industries or to introduce new ones has been made by them. No comprehensive and definite scheme of industrial policy has been planned by them. The only achievement, during a long career of about four or five years, was probably the sending out of three or four students to England and the publication of a few bulletins, which are more or less extracts from the *Encyclopædia Britannica* or the articles from the *Fauna and Flora* of Travancore. From the address of the Dewan to the Sri Mulam Popular Assembly during the last two years, it is seen that the Government recognised that the work of the department was not satisfactory. The Dewan devoted a large portion of his address to the work of this department. The students who have been sent to England for training have returned. The Dewan, no doubt, foreshadowed the work that was to be done by these students. In that address too, I do not find any comprehensive scheme of industrial policy laid down by the Government. Of course, students who are deputed to specialise in certain industries will have to do some work. I refer to these matters because previously also some students were sent to specialise themselves in geology. Those students produced no tangible benefit to the country. All that I now want the attention of the Government to be drawn to is the fact that the officers of the department have no experience. I do not know whether they have got the talent or even the desire to improve the industrial condition of Travancore. But, at any rate, it is the duty of the Government to see that persons who have got sufficient experience are appointed for compiling a comprehensive scheme of industrial regeneration of the country. Unless the services of these students are properly utilised to the best advantage of the country, the tax-payers' money spent upon them will not be of any use. Therefore, it appears to me, Sir, that the administration of the department requires careful consideration at the hands of the Government.

The activities of the Co-operative Department also are far from satisfactory. The attitude of the Government, I am sorry to say, has not been very encouraging, at any rate, till a few years ago. During the last four or five years there were four or five officers to preside over that department. The officers who were trained for this purpose do not remain long in that department to enable them

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to do any useful work. There was no sufficient co-ordination between the various departments relating to the development of the country. This aspect of the matter should engage the attention of the Government who should make this institution useful to the people. The department has not taken firm root in the country. Whether it is due to the fact I mentioned or not I do not know. It is capable of further improvement and the attention of the Government may be directed to that. For these and other reasons, I urge that a committee ought to be appointed and the whole question should be investigated and a definite and comprehensive scheme should be laid down.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : Sir, the mover of the resolution has placed a big order in recommending the appointment of a committee to go into the question of the working of the various departments, including the Forest, Agriculture, Industries and the Co-operative Departments.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*) : I have no objection to include other departments.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : Sir, with regard to the Forest Department, about which Mr. Velu Pillai was speaking rather at length, I have to say that some of the criticisms which he has advanced are to some extent true. But, personally speaking, it is a department which cannot be improved all on a sudden. In reviewing the administration of the Forest Department one has to bear in mind that results can be had only after the lapse of a long time. Works connected with sylviculture, conservancy and protection do not immediately show their results. The success or otherwise of a forest area managed systematically under working plans will be discernible only after a long interval of years.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*) : I wish to know how much money was spent for cultural operations in the forests during 1098.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : I must look at the figures. Does the member want the information just now?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*) : I do not want exact figures. I want only some idea of it.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : Including plantations it will come to about Rs. 45,000.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Including teak plantations?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : About Rs. 50,000.

I have taken the work of a period of thirty years to show what the development has been in this department. Thirty years ago nobody knew anything about the forests of the State. They had no idea as to what the extent of the land was, and what resources it contained

In 1886, Mr. Bourdillon was appointed as special officer to make a thorough examination of the forests of the State, "to mark and define the tracts which should be permanently reserved, and to submit a report on their resources, etc." The report was submitted by him after doing three years' work, and that gave an idea of the resources of the forests. Prior to the year 1068, there was no forest law or regulation to legalise reservation of forests, to regularise the extraction of timber, and to punish offences connected with forest crimes. Regulation II was passed in that year, and rules were also framed under it. They were amended as necessity arose. With the passing of this Regulation, the department entered on another stage of development, and the reservation of forest areas was taken up immediately. At the end of the year 1068, the area of the forests brought under reservation was 1,433 square miles. In 1078, the area under this category came to 1,653 square miles; at the end of 1088 and 1098—the last two decades—the areas were 2,337 and 2,381 square miles respectively.

Simultaneously with the reservation of forests, the demarcation of these reserves was also taken up. It was not only necessary that the forest areas should be reserved but that the areas should be demarcated, so that trespassers might be punished and the Government might know exactly what their forest area was. This work was taken up subsequently.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): For how many years in the past has this demarcation work been going on?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): The volume of work we have had to do was rather large. The work was taken up in right earnest only after the time of Dewan Rama Row, *i. e.*, after 1068, and we have now nearly finished the work. The work was not begun before 1068. The total number of square miles demarcated to the end of 1078 was 266; 693, to the end of 1088; and 1022, to the end of 1098. We have only about 123 square miles to be demarcated.

With the reservation of areas and their demarcation, the next step to be undertaken was the preparation of working plans to regulate the removal of timber according to the capacity of the forests. At first, it was thought that regular working plans, prepared with great details at considerable cost, would be required for working our forests. But, later on, experience showed that with the changed condition of the timber market, and the introduction of more species into the market, the working plans required revision. It was found that the cost involved in the preparation of elaborate working plans was rather too much, and that they did not satisfy the purpose for which they were required.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know how much money was spent in the preparation of detailed working plans.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): About Rs. 60,000.

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It has now been decided to have only simple working schemes for the present. The areas for which regular working plans have been sanctioned and for which simple working schemes have been prepared at the end of each decade are shown below:

1068	No regular working plan.	No simple working scheme.
1078	Do.	Do.
1088	Regular working plans for 77 sq. miles.	Do.
1098	Do. for 750 sq. miles.	Simple working schemes for 336 sq. miles.

For the year 1098, detailed working plans for 750 square miles were available, while for an area of 336 square miles simple working schemes were also prepared.

At the commencement of the period under review, the removal and disposal of timber and forest produce were carried out most unsystematically. Consumers generally met their requirements by taking out permits for what timber they required on payment of the then existing seigniorage rates which were not fixed with any reference to the demand or market conditions. Every one armed with such a permit could gain access to the reserves and remove what he required. There was neither the system of marking nor other efficient control over removals, and much of the privilege was abused. This permit system was abolished in 1076. The timber worked down through the contract agency to the depôts— which were rather limited in number—consisted chiefly of teak and blackwood. These were sold on a monopoly system to one purchasing firm of Bombay, which had thereby the control of the market in their hands. Junglewood species had very little demand, nor were they worked down to our depôts, and no advantage was taken of the demand of foreign markets for these species. The monopoly with the Bombay firm was abolished in the year 1087. From that year the department began to seek foreign markets and take the best advantage of them. Royal trees as well as junglewoods were worked down both by departmental agency and under the contract system. Markets were created for species till then unmarketable or for which no demand existed. After a time, as an experimental measure, timber coupes were marked out in forest areas and sold for lump sums at auctions, but it was found that owing to the incorrect valuation of tree growth and the competition of coupe purchases in timber trade, the departmental revenue was prejudicially affected and depôt sales were greatly interfered with. The coupe sale system was therefore given up and, at present, the system of extraction and disposal has been thoroughly systematised.

During the last decade or so, the department has been endeavouring to restrict the felling and removal of royal trees as far as possible except from private lands, and more attention is being bestowed upon the

working down and utilisation of inferior species which were, in days past, considered to be of no value whatever. Mr. Velu Pillai has been alluding to the fact that only royal trees were being worked from the forest and he referred to the Administration Report of 1082. It is a fact that in 1082, and even for a period of six years or so, the working of timber has been mostly confined to teak and blackwood. Consequently, reference was made to this in the Administration Report. In 1097, we put a stop to the removal of teak and other royal trees from inside the reserves, and the extraction was confined mostly to the areas outside the reserves, as we wanted to introduce into the market other species for which hitherto there was no sale or demand.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does the department allow the owners of registered lands where old blackwood and other royal trees are standing, to cut and make use of them?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): The Government have a claim for about half the net profit on those trees. If the owners would pay the *kudivila* on these royal trees, they can remove them.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know how many cubic feet of teak and how many cubic feet of blackwood were so used by the people?

PRESIDENT: You mean—"permitted to be extracted by the owners themselves?"

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Permitted to be extracted and used. I want the quantity.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): It is not possible to give that quantity now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Shall I have an idea of the price of the timber which has been used *bona fide*?

PRESIDENT: You mean the value of the trees removed? For which year do you want the information?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): For 1097 and 1098. I want only a rough idea.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): It may come to about Rs. 3,000.

In the earlier days of the period under review cottonwood and *chini* were the only softwood species mostly in demand by consumers, and these fetched on an average only Rs. 4 to Rs. 4½ per candy. Not only have the prices of these species come up to about Rs. 8 to Rs. 9 per candy, but other species such as Anjili, Kulamavu, etc., have also been tried and found suitable and now fetch almost similar rates. Besides these, innumerable other softwood species have been tested, to ascertain their suitability for

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matches, wood pulp, etc., and they are being gradually used for these purposes and even bamboo and other reeds are now largely in demand for paper, making—manufacture of matches, etc. The average revenue derived from the sale of timber and other forest produce during the three decades will give an idea of the progress the department has been making.

	Annual average revenue from timber.	*Average annual revenue from other products.*
1068—1078	... 4,75,988	... 29,751
1079—1088	... 7,34,743	... 6,55,720
1089—1098	... 11,79,598	... 1,36,029

The gross revenue secured by the department during each of the three decades stands thus:—

1069—1078	...	Rs. 5,37,904
1079—1088	...	Rs. 8,43,230
1089—1098	...	Rs. 1,40,057

If we take the average annual net revenue, that also shows a steady increase. The following are the figures—

1069—1078	...	Rs. 2,11,425
1079—1088	...	Rs. 2,68,143
1089—1098	...	Rs. 6,20,052

PRESIDENT: You mean the net revenue?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Yes; the average net revenue. Mr. Velu Pillai has been referring to the fluctuation of revenue for a few years. It is not possible for the department to equalise the revenue every year.

The timber that is worked down in one year may or may not be sold and apart from this the revenue realised depends on several other factors. For instance, in 1097, it was Rs. 5 lakhs and in 1098 it was Rs. 3½ lakhs. The revenue realised in 1097 was greatly on account of the supply of sleepers to the South Indian Railway Company. But in 1098 no sleeper supply was undertaken, while a large quantity of the resulting material from the conversion of sleepers was brought into the depôt for which, owing to the dullness of the market, there was no demand.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Was the sleeper supply taken up by the Government for the purpose of forest conservation or for making a profit?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): After the conclusion of the Armistice there was no great demand for timber. Prices were also steadily going down. It was as a tentative measure that the supply of sleepers to the railway company was undertaken. Personally I am not in favour of sleeper supply to the railway company. It was mostly to find a sale for the timber and also to realise the value immediately that we undertook the sleeper supply.

The percentage of the amount spent on conservancy works will give a fair idea of the works of improvement done and the consequent development of the forests. The following averages furnish an index in this direction:—

1069—1078	...	Rs. 2,50,416
1079—1088	...	Rs. 4,38,234
1089—1098	...	Rs. 5,21,279

Mr. T. K. Velu Pillai also said that we were not spending sufficient money on communication. He further added that many of the roads opened at great cost were lying idle.

PRESIDENT: He did not say 'idle.'

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): As regards the Parappar road, it is being used even now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Parappar is not a road but it is a bridge.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I mean the road leading to the Parappar bridge. But I do not know where he got this information from.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If he puts a question I am prepared to answer.

PRESIDENT: He is only contradicting your statement. He is not putting a question.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Then he must not say that.

PRESIDENT: He does not put you a question. He wonders where you should have got that information.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): The road at Aiyappankoil is also being used every year and the maintenance of that is being met from the Public Works Department. With regard to the Channakkaman road, the Mica Company undertook the repair of this road. But somehow or other the mine did not work, and the road cut up by them was left as such. The matter has been reported to the Government. At present we are not doing any timber extraction that side, and so there is no immediate urgency to repair it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know why the road was handed over to the Mica Company?

MR. R. DHANUKOTI PILLAI (*Conservater of Forests*): When they started work they undertook to keep the road in good condition.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does the department hand over roads to other companies?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): At the time the mica mine started work there were no culverts. The company wanted to keep the road in a better condition. With this idea they cut up the road for constructing culverts, but the company did not work, and so the road was left in the same condition. Now they have taken steps to improve the road. With regard to the Kuttanpuzha road, it is in good order.

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MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): The road from Kuttanpuzha to Idiyara is what I mentioned.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): This road is in perfect condition and I have walked along it several times. Carts are not taken now over this road, because there is no timber work that side. The following average shows what amount we have been spending in the matter of communication every year.

1069—1078	Rs. 9,353
1079—1088	Rs. 24,511
1089—1098	Rs. 22,863

Mr. Velu Pillai said that in 1084 we have been spending a large amount while in 1096 the amount was not much. Sir, it was about 1084 that we undertook the construction of the Shendurni road, and after its completion, there was no further necessity to spend any large sum of money.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to correct my friend. I never said at any time that the Forest Department had spent much money. My accusation was that they have been spending only a very small sum.

PRESIDENT: He says that you are not spending a large sum of money.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I do not believe in spending more money on roads where there is no necessity. In the northern division the transport of timber is done not by roads but only along rivers, and during the last two years we have been spending much money in blasting the rocks in these rivers. In these divisions there is no necessity to spend money on roads. The only divisions where we have to open roads are the Shenkottah and Southern divisions. And in these divisions, at present, there is no immediate urgency to open further roads as the roads in existence serve the purpose of timber transport.

In the budget session of the Council I said that investigation had to be carried on for extending the present road in the Shendurni forests, and for this purpose, I inspected the forests there recently during the Christmas holidays, and the question now is whether we should open further roads or improve the Shendurni road, and the matter is being referred to the Government.

Another important direction in which development has been taking place in the department is in regard to the opening of artificial plantations. Mr. Velu Pillai also referred to that fact. The areas brought under plantations at the end of each decade stands thus:—

	1078	...		2,016 acres.
At the end of	1088	...	Teak	3,110 ,,
Do.	1098	...	Do.	6,726 ,,

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I only referred to the plantation.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): That is a technical matter.

During this period we have not only confined ourselves to the improvement of the forests but the department had also been developing in other directions. The following figures furnish some idea of the steps taken for the detection of forest offences and for the protection of forests.

		Average No. of cases per year.	*Average No. disposed of annually.*
1068—1078	...	227	198
1079—1088	...	474	458
1089—1098	...	746	738

Simultaneously with the development of forests the number of hands trained in forestry on the staff was also increased. We were for a long time dependent on the Forest College of Dehra Dun, for securing training to our men. But seeing that the progress made was rather slow, a Forest College was opened here, and we were able to train 36 men in a period of two years. Prior to 1068 the department was manned mostly by untrained hands. We have at present 3 officers trained in European Universities, 15 men trained at the Forest College, Dehra Dun, and 13 men trained at Coimbatore.

There are also some other points referred to by Mr. Velu Pillai. He mentioned that our revenue was rushed up towards the last part of the year. Last year I explained to the House the reasons for this. Mr. Velu Pillai refuses to be convinced of that.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not say that with reference to any particular year. I was referring not to a particular period, but to a long period.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I explained that, unless the monsoon season changed or the official year was altered, it was not possible to make the realisation of the revenue uniform throughout the year.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is the Conservator in a position to say whether there was not sufficient stock in the depôts before the monsoon time?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): It was explained to the House last time how the stock worked down during the last four or five years accumulated in the depôts - as a result of our endeavour to help the expansion of the rubber plantation.

PRESIDENT: We shall now rise and meet again at 3.

The Council adjourned for lunch at 2-15 P. M. and reassembled at 3 P. M.

[Mr. R. Dhanukoti Pillai.]

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Sir, from what I have been saying it will be clear that the Forest Department has been making some progress. Of course, it is incidental that any department should make mistakes and I admit it so far. As regards the formation of a committee, I ask this House whether it will in any way improve matters, and how far it will be in a position to help us is a question to be decided. The department has been working in a systematic way for nearly thirty years, and during this period we have been able to build up a policy and we have been working the department, so that there has been some steady progress taken as a whole. Is it possible for a committee—working for one or two years—to come to any definite conclusion with regard to those things? Then, if a committee is to be appointed, only some of the heads of the Development Departments will have to be in it. We have already a committee—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is not a committee possible without any of the heads of the Development Departments? Why not they be examined as witnesses by the committee?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): A committee of non-official members will naturally contain laymen and when it has taken such a long period for us to build up the policy, I am of opinion that a committee of laymen will not be of much help to us, and if they want to give us instructions and if they want to come to our help, they are equally welcome to make representations before the Economic Development Board, of which four members are elected by this House.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): Will the Conservator say whether there are not several hundreds of square miles of grass lands without any useful tree-growth including even the reserved forests?

PRESIDENT: What is it, please? I do not hear you.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): Whether there are not several hundreds of square miles of grass lands without any useful tree-growth in the High Ranges?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): There are places, Sir, consisting of grass lands.

MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*): May I also know whether there are not many small reserves in the low country which have not got any species of valuable timber?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Each reserve has its own value. Though there may not be tree-growth, it may be valuable for grazing, for the collection of fodder and for pasture,

MR. K. DOMINIC TOMMAN (*Peermade cum Devicolam*): Are there any such reserves set apart as grazing lands?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): All the reserves are kept free for grazing, except in plantations, to every subject of His Highness the Maha Raja.

MR. A. HOOGEWERF (*Nominated*): I want to know whether he is following the policy of his predecessor.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I had so many predecessors. I do not know which predecessor is being referred to.

MR. A. HOOGEWERF (*Nominated*): The last predecessor.

PRESIDENT: The immediate predecessor.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I do not know whether there is any policy which can be ascribed to my predecessor. In fact I am talking of my own policy.

MR. A. HOOGEWERF (*Nominated*): May I know the plan that the present Conservator is following?

PRESIDENT: Is it in regard to the working plans?

MR. A. HOOGEWERF (*Nominated*): Or anything else.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I have a policy of my own, Sir.

MR. I. C. CHACKO (*Director of Industries*): Sir, I rise to oppose the motion. All the departments, to enquire into the working of which Mr. Velu Pillai wants to appoint a committee, are, as the mover himself has admitted on former occasions, highly technical, and I doubt very much whether a lay committee will be able to formulate a scheme of work for each of these departments. These departments are now assisted by a standing committee in the shape of the Economic Development Board which consists of elected representatives of this Council including Mr. T. K. Velu Pillai, and some of the best technical, industrial and commercial gentlemen of the country. This Board can boast of a non-official majority and is at liberty to call for any information from the Development Departments and to formulate any scheme of work for these departments. I fail to—

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I ask Mr. Chacko whether the constitution of the Economic Development Board permits of an enquiry into the working of these departments as suggested by Mr. Velu Pillai?

MR. I. C. CHACKO (*Director of Industries*): They can call for information, and can formulate any scheme of work and submit it to the Government.

I fail to percieve what more a committee of the kind proposed by Mr. Velu Pillai can achieve than the Economic Development Board,

[Mr. I. C. Chacko.]

As regards the Department of Industries, I have further to say that, such a department being quite new even in British India, it may not be possible for us to get experts even from there to serve on the committee and speak with the authority of long experience of the management of Departments of Industries. Departments of Industries began to be seriously and systematically organised in India, including the Indian States, only after the appointment of the Indian Industrial Commission in 1916. It cannot be said that the time that has elapsed is sufficient to enable us to form definite conclusions regarding the lines on which a Department of Industries should be conducted and to revise its methods.

The functions of a Department of Industries have been thus defined by the Industrial Commission:

"The work of the Provincial Departments of Industries—

Of course, the Travancore Department of Industries may be put under the category of the Provincial Departments of Industries.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask Mr. Chacko, if our department is a provincial department, where is the central department so far as Travancore is concerned?

MR. I. C. CHACKO (*Director of Industries*): I did not mean it in relationship to a central department.

These are the functions:

"The direct encouragement of industries, including a larger share in industrial research work, the provision of technical advice and assistance to industrialists, the examination of applications for special concessions, and the grant of loans to small and cottage industries.

The collection and distribution of commercial and industrial intelligence; the work of passing Government indents and of purchasing and inspecting certain classes of Government stores; the organisation of markets for local products; the conduct of special enquiries and industrial surveys; the holding of industrial exhibitions and the management of commercial and industrial museums.

The control of technical and industrial education. This would necessitate the training of staff for, and the inspection of, industrial schools; the organisation and inspection of apprentice classes attached to a large work, and the provision of the staff for the necessary theoretical teaching. The Director would also have to take his share in the control of the higher institutions for technical training. Funds for technical and industrial education would be provided from this budget.

The control of the staff employed for the local administration of the Electricity Factories and Boiler Acts; and the furnishing of advice to Government on the industrial and commercial aspects of the Mines Act and of the rules for mining leases and prospecting licenses."

Now, I would ask the Council whether the Department of Industries in Travancore does not cover the province enunciated for a Department of Industries by the Industrial Commission as far as the conditions of the State permit. We have not got a Mines Act here. So the Department of Industries does not administer a Mines Act. Again the Report speaks of the Electricity Act. But the Department

of Industries does not administer an Electricity Act, because we have no electricity here now. As regards the Boiler Act, the department is looking after boiler inspection.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): A word of personal explanation, I think, has to be offered, and it will be useful to Mr. Chacko. My point is not that a committee should be appointed to add to or remove the duties. I am for a committee for efficiently co-ordinating the different Development Departments, laying out a policy which may be enforced for some twenty-five or thirty years together and for making suitable recommendations to the Government as to how much money can be ear-marked for certain industrial, agricultural, and other purposes.

MR. I. C. CHACKO (*Director of Industries*): A great part of Mr. Velu Pillai's speech, I have already said, is covered by the activities of the Economic Development Board. The primary object of the Board is to co-ordinate the activities of all the Development Departments.

The Council will see that the department is striving to attain the ideals thus set out by the Industrial Commission, and it is not yet time to revise these recommendations. The industrial commission is only about six years old. An economic theory cannot be verified in a day and economic experiments must be allowed a sufficiently long time before conclusions are drawn therefrom. I do not think that a sufficient number of new data have accumulated since the time of the industrial commission which will justify the appointment of a committee for the purpose of reviewing their conclusions.

I will now read out a sample list of industries which the Industrial Commission has recommended as deserving aid by provincial Departments of Industries.

MR. C. SANKARA MENON (*Quilon*): May I know from Mr. Chacko whether it is not the function of the Industries Department to introduce improvements in the existing industries and whether the department has collected information as to the various industries in the State?

PRESIDENT: You may wait till the end of his speech, and if he does not give the information which you want, you may question him.

MR. I. C. CHACKO (*Director of Industries*): I am reading the sample list and I will answer Mr. Sankara Menon's question afterwards. The first in the list is the saltpetre industry which we need not think of. Then there is glass making to which the Geological Department has already devoted some attention. It has collected information regarding the materials available in Travancore, and in due course, the Department of Industries will take up the question of introducing glass manufacturing into Travancore. Of course, we cannot take up all these things all at once. The third is oil-milling. There is an oil-milling industry already existing in Travancore, but there is still scope for

[MR. T. K. Velu Pillai.]

improvement. We can introduce a great many improvements in oil-milling and the utilisation of oils. Then comes the match industry.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know where that Oil Expert is now?

MR. I. C. CHACKO (*Director of Industries*): He is now working in the laboratory. You meant the Oil Chemist?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I mean the Oil Expert.

MR. I. C. CHACKO (*Director of Industries*): The next is flour and rice milling which also is such a thriving industry in Travancore that it does not require much help from the Department of Industries. But we are advising the rice-millers about improved methods of drying paddy and of cheapening power and such other questions as are referred to us. Then we come to pumping plant.

MR. C. SANKARA MENON (*Quilon*): Has any bulletin been issued on the subject of improved methods of rice-milling?

MR. I. C. CHACKO (*Director of Industries*): None on rice-milling. We are investigating the methods of drying boiled paddy. In Travancore they usually boil paddy and then mill it. The boiled paddy is usually dried in the sun. A firm of rice-millers applied to us for advice as to how boiled paddy could be dried cheaply in the rainy season. We are trying to devise a plan for making use of the waste gases from boilers for this purpose. These things we cannot do in a minute. We have to consult very many experts, get quotations from abroad, devise many schemes and find out their comparative merits.

MR. C. SANKARA MENON (*Quilon*): May I know whether the investigation in regard to that is complete?

MR. I. C. CHACKO (*Director of Industries*): No; it is not complete.

As regards pumping plant, the Industrial Commission recommends that the pumping operations should be under the control of the Department of Industries. Only the other day the Council sanctioned a sum of Rs. 15,000 for the purchase of a boring set. Then again we are very deeply concerned with pumping in another shape, *viz.*, for draining the *punja* fields, and the Industrial Engineer and myself have been making investigations to reduce the cost of pumping. The efficiency of a pump used in the *punja* field is only about 20, *i. e.*, if we put in 100 h. p. we get only 20.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With your permission—I do not want to interrupt Mr. Chacko—I wish to obtain a ruling from the Chair. I am the principal speaker on this resolution. I raised certain points. I do not question all that Mr. Chacko is saying. My point is that several mistakes have been committed by the Industrial Department, among other departments,

because the people who dealt with the affairs of these departments did not look sufficiently forward. That is the point I raised. The discussion can be shortened considerably by answering the point directly. Sir, I am prepared to concede all that Mr. Chacko says. But, how does he meet the further argument that something more than the Economic Development Board is required for the purpose of co-ordination for which I am particularly anxious? That is my point.

PRESIDENT: Well, he may not look at it from the same view-point as you do. He might consider it necessary, for the House to arrive at a correct decision, to offer the House some information as to what the department has already done and on what lines the department is working, as also to show, according to him as I understand him, that a committee cannot suggest improved lines in a day or any short period—improved lines of activity for the department. I think that is the line of argument he is taking, and for that purpose, I think, all that he says is necessary for the information of the House.

MR. I. C. CHACKO (*Director of Industries*): Another industry which the Industrial Commission recommends is hand-weaving. I believe the Council knows that we have done a good deal to develop hand-weaving in Travancore.

The next thing they suggest is tanning. We are already constructing an experimental tannery for demonstration purposes. Since it has not been completed—I think it will be completed within a fortnight—the tanning expert is engaged in finding out and extracting tannin from the various tanning materials available in Travancore.

The next thing is leather work. I need not say much about the leather work in Travancore, because the members themselves know what the Industrial Department has done in the matter.

They next suggest pottery. Mr. T. K. Velu Pillai also spoke about pottery in Travancore. I may say that we have perfected the technique of pottery-making—at least one branch of it—in Travancore. I have to ask the House whether, according to them, it is the function of the Industrial Department to carry on these industries on a large scale or only to advise the public as to what could be done in the matter. The department is quite ready to place at the disposal of anybody who applies for it, information regarding any industry. I think the department is expected to do only so much.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know whether the Government are prepared to encourage pottery in the same manner as they have done in the case of the manufacture of sugar.

PRESIDENT: Tha question does not arise here.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Chacko observes that it is not the function of the Government to start any industry and that their function is only to give advice.

PRESIDENT: I do not think he means that.

[MR. M. K. Khadir Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): That was what he said.

PRESIDENT: What he said was that Government could do only demonstration work and that they could not be expected to start any factory and work on a commercial scale.

MR. I. C. CHACKO (*Director of Industries*): The next thing that the Industrial Commission suggest in their special list is soap-making. We have advanced very far in soap-making and there are soap-making experts in Travancore.

The next industry that they suggest is the essential oil industry. A lot of work has been done by the Industrial Department in this direction and a bulletin has also been published, and any member can have it, if he pleases, by applying to the department.

Then they speak of wood-distillation. This is a very big question in which the Department of Industries and the Forest Department are very keenly interested. We have plenty of raw material here. The difficulty is with regard to the finished products. I think I said at the last Council meeting that the greatest difficulty in wood-distillation was how to dispose of the by-products, such as citric acid, which are produced during the process of distillation. That is the difficulty experienced by most of the wood-distillation factories elsewhere. The wood-distillation factory in Mysore has asked me whether its bye-products can be disposed of in Travancore. Knowing all these facts, how can the Department of Industries ask any body to start a wood-distillation factory in Travancore?

The next thing spoken of by them is dyeing. The Council knows that there is a Dyeing Expert here who has been investigating many of the indigenous dyes in Travancore. He is also demonstrating the methods of using synthetic dyes. This is the list that the Indian Industrial Commission has given.

Almost all these have come within the scope of the Department of Industries in Travancore. But neither the Council nor anybody else should expect results from these investigations within any short time.

MR. T. K. Velu Pillai also pointed out some of the mistakes which the Industrial Department has committed. Such mistakes are quite common in the case of all industries during the experimental stage. We cannot say what all experiments will be successful. Some of our enterprises may prove a failure, and others may prove successful. You cannot blame a department of this kind for some failures.

Then again, I would ask the House to consider whether—

MR. M. K. KHADIR PILLAI (*Nominated*): How much money was spent by the Industrial Department for the stills made for distillation of lemon grass oil?

MR. I. C. CHACKO (*Director of Industries*): I think about Rs. 6,000.

MR. M. K. KHADIR PILLAI (*Nominated*): For how many stills?

MR. I. C. CHACKO (*Director of Industries*): Three stills.

MR. M. K. KHADIR PILLAI (*Nominated*): Does he find them successful?

MR. I. C. CHACKO (*Director of Industries*): I may say they are successful. It is distilling oil, but I admit the cost is too high.

MR. M. K. KHADIR PILLAI (*Nominated*): When compared with the local stills, can it be said that the stills made by the Industrial Department work successfully?

MR. I. C. CHACKO (*Director of Industries*): The cost is much higher in the case of the departmental stills.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Are these stills now used by the department?

MR. I. C. CHACKO (*Director of Industries*): One is in use.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): How many are not in use?

MR. I. C. CHACKO (*Director of Industries*): Two stills are not in use. One was being used by Mr. Vincent till recently. We had lent the still on hire.

MR. M. K. KHADIR PILLAI (*Nominated*): Did the department gain anything on account of these stills?

PRESIDENT: That does not arise here.

MR. I. C. CHACKO (*Director of Industries*): I must say that it was not for profit that we made these stills. It was for experiment.

I should ask the House whether it finds that the Industrial Department in Travancore has any defect which the Departments of Industries in British India, Mysore or elsewhere do not have. In making a criticism of this kind, if the member who put forward this resolution had pointed out that a Department of Industries elsewhere has done such and such things while the Department of Industries in Travancore alone—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will Mr. Chacko be pleased to tell the House how many mistakes of a similar nature to those I have described have been committed by the Departments of Industries in Madras, Bombay, Bengal, Mysore or Baroda?

MR. I. C. CHACKO (*Director of Industries*): It is rather a very large order. It is not possible for me to detail all the defects.

Then again—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I draw the attention of the House to the time limit, Sir?

PRESIDENT: This is an important matter. Very serious allegations have been made against the department. The department has to justify its existence. Therefore, I have to extend the time in this case.

[Mr. A. Hoogewerf.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I may be permitted to draw attention to a statement made on a prior occasion by the President, that the President has no discretion in the matter of extending the time.

PRESIDENT: I do not remember having said so at any time. At any rate that is wrong. He is given a discretion. It is for him to use it correctly.

MR. I. C. CHACKO (*Director of Industries*): Again, it may not be quite courteous on my part to answer this question.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): One word, Sir. I do not want to take more time. I may say that I am perfectly courteous to all these departments. I have got great interest in them all. Therefore the question of courtesy does not arise here.

MR. I. C. CHACKO (*Director of Industries*): That is not what I meant. It may not be proper for me to stand here and criticise the several Departments of Industries abroad.

PRESIDENT: Will you please hurry up, Mr. Chacko?

MR. I. C. CHACKO (*Director of Industries*): Then, I think, Mr. Sankara Menon said that the Geological Department had not done anything tangible. I should ask him whether he has studied the report of the Geological Survey of India and whether he has found that the work done by the Travancore Geological Department is in any way inferior to the work done by the Geological Survey of India.

Further, about the appointment of a committee, I do not think it is necessary, because there is the Economic Development Board and there is this Council also. The members are at liberty to offer their criticisms to the head of the department. The Economic Development Board can also formulate schemes and submit them to the Government. I do not think the proposed committee can achieve anything more than what this Council can do with its many-sided experience and the wisdom of its many heads.

MR. C. SANKARA MENON (*Quilon*): Does he think that consultations with persons interested in industries can be of use in avoiding mistakes similar to those that have already been suggested?

MR. I. C. CHACKO (*Director of Industries*): I did not quite hear.

MR. C. SANKARA MENON (*Quilon*): I wish to know whether consultation with persons who are interested in industries as well as the public will be of any service in avoiding mistakes similar to those that have already been suggested.

MR. I. C. CHACKO (*Director of Industries*): In fact I do consult whenever I propose any scheme. I consult all the people who, I think, can give me correct advice on the proposal.

MR. A. HOOGEWERF (*Nominated*): Sir, the whole question at issue is whether we should have a committee as suggested by Mr. T. K. Velu Pillai or whether the Economic Development Board is itself sufficient to serve the purpose aimed at by the mover of the

resolution. We have been dealing with subjects ranging on several matters by means of interpellations and resolutions, surveying men and matters from China to Peru. We first stepped into the Huzur Secretariat and discovered its rottenness. After dealing with permanent settlement we stepped into paddy fields, and then with mud on our feet we tried our hand at the spinning wheel. Being exhausted with the exertions at the *charka* we had to place ourselves under Ayurvedic treatment, *kshirabala, dhanvantaram,* etc. (*Laughter.*) To-day we have been entering into dense forests and not being able to see the wood for the trees we have been visiting fisheries and industrial schools.

The able mover has been cataloguing to us a series of defects in each of the departments he has been dealing with. It is a sad tale of costly experiments most of which have been leading into blind alleys and ending in failures. The present Director of Industries, as Mr. Velu Pillai said, has been having a big legacy of the mistakes of his predecessor. One of the most costly experiments we have been making was the appointment of Dr. Barker *de mortuis nil nisi bonam.* I hope my Latin pronunciation is correct. We have, as heads of the several departments that we have been dealing with, young, energetic and capable officers like Mr. I. C. Chacko, Dr. Kunjan Pillai, Dhanukoti Raja (*laugther*) and Mr. Paramesvaran Pillai, full of activity and enthusiasm. They are sons of the soil, in whose hands lie our agricultural and industrial salvation and the proper conservation of the wealth of our forests. But there is always a tendency to run into narrow grooves and travel in narrow rucks. This, perhaps, is due to our environments and our enervating atmosphere. I listened to the speeches on both sides of the House, and from what I could gather from the official side, there is a tendency to fritter away time and beat about the bush. Minor matters are made much of, leaving weightier matters to look after themselves. Before we make new experiments on this, that and the other, what is absolutely necessary is to concentrate on and develop the existing industries. There should be greater co-ordination and thoroughness in all that we already have. There is the coir industry with its tremendous possibilities. There are the lace industry, larger cultivation of tapioca and the manufacture of flour, etc., from the raw products. I asked the question, point-blank, to Mr. Dhanukoti Pillai—I beg his pardon for having made him a Raja—whether he was continuing the policy of his predecessor, and he said: "No." That is the crux of the whole question. That is the weak spot in the administration of our departments. One man comes and introduces something. Another comes and turns it upside down and so on and so forth. (*Laughter.*) There is no continuity of policy, no proper objective. It is all turning in a vicious circle. A little of this, a little of that, and much of nothing. It is just to rise above these mistakes and narrowness that the motion has been brought forward by Mr. T. K. Velu Pillai. He wants a policy, based upon sound principle, experience of the country and knowledge of its people, to be laid down once for all and followed. We want men of the type of the present Chief Secretary or Professor Rangaswami Aiyangar with their long and broad

[Mr. T. K. Velu Pillai.]

views of things and thorough knowledge and mastery of the economic situation of the country. We want also pensioned officers of the type of Mr. Narayana Menon—who, though old, is still young (*laughter*), and Mr. N. Raman Pillai, the retired Excise Commissioner, to be on the committee proposed by the mover of the resolution. The deliberation of a committee placed on such a high plane is what is asked for. I have, therefore, great pleasure in supporting the motion.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, the fact that a number of people are not coming forward to talk on this resolution could be explained by the very simple circumstance that all on this side of the House are united with regard to the principle of this resolution. (*Laughter.*)

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Does my friend mean that a member talks only when he does not agree? (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandurm* cum *Nedumangad*): I must answer my friend in this way. People who know how to talk and people who have anything to talk do talk when they have an opportunity. (*Laughter.*)

The simple question that I raised for the consideration of the House is that, in the light of our previous experience, mistakes a yard long in the list have been perpetrated by the various departments in the State service. In spite of the care with which the Government have been dealing with the problem, the tax-payers' money is being spent without sufficient justification. So I demand that the question be well threshed out. I ask for a committee not to add to the list that Mr. Chacko has been pleased to read in spite of my protest. I am not here to discuss the merits of adding this industry or that industry to that list. My object in moving this resolution seems to have been misunderstood by him. Mr. Chacko has been referring to the report of the Industrial Commission, as though it is a kind of industrial gospel. I cannot accept all the views contained in that report. No doubt it is a valuable record, but that everything mentioned in it should be religiously read before this Council—that time should be wasted in spite of protests from this side of the House—that points—

PRESIDENT: I am afraid that you cannot reopen that question. What I say is, my ruling must be obeyed. When I said that Mr. Chacko might be allowed to continue, I do not think you can criticise my ruling.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not. The President has got the discretion so far as the ruling is concerned. I am only saying that Mr. Chacko might have taken the hint from me and simply given the arguments which might support him instead of reading out a long catalogue of items to be performed by the provincial Departments of Industries in British India.

But my question remains still unanswered, and I take it, on the principle of acquiescence which my learned friend Mr. Subba Aiyar knows very well, that this House should come to the conclusion, when the official benches are unable to defend themselves against the fierce remarks that we on this side of the House have made. It has been said that these departments are technical departments. They are to some extent technical. But Mr. Chacko and Mr. Dhanukoti Pillai will remember that in British India these departments are often presided over by I. C. S. officers who go to their work with an extended vision and a very much better equipment than the narrow training of a technical expert. It is because of the light that they bring when they go to work that much good work has been done. There has been a considerable section of opinion in British India in favour of the view that the Directors of Agricultural and Industrial Departments need not be experts but may be people with plenty of enthusiasm, knowledge, courage, character and initiative. I may refer to one or two names in English History which all of us will certainly respect. A technical man, Sir, does not rule the world. Lord Palmerston, when he was made the Secretary of State for Colonies, knew absolutely nothing about them and he asked one of his clerks to go up along with him and show him the colonies on the map. Yet he was one of the most successful colonial ministers of England. Mr. Benjamin Disreli was not a good hand at finance. He came to the business of finance with an open mind and yet he was one of the most successful finance ministers in England. The case of John Bright is equally in point. He was not a tradesman but was a most successful President of the Board of Trade. I have made reference to these names to show that there is no force in the arguments laboriously advanced on the side of the Government. We raised certain definite issues. We have been looking on with helplessness to the causes of mistakes that have been perpetrated by a change of policy consequent on the change of personnel. I may relate one circumstance. Sir, some months back, I had an occasion to talk with a gentleman of position about a proposal on the part of the Government that Ponmudi may be made a popular sanitarium. That gentleman with much experience of men and things in different places told me: "Mr. Velu Pillai, the proposal is very good. But there is no doubt that what is introduced in the time of Dewan A will be superseded when Dewan B comes." That has been the experience in regard to the matters connected with these departments. My object in moving this resolution is not to tie down the hands of these Development Departments but to ask them to follow a certain course which is laid down after due deliberation—deliberation not in the dark chambers of narrow departmental grooves, but in places where that can be taken in the open scenes of intelligence. I do not want to take up the time of the Council. I take my position once again on the circumstance that, in spite of specific allegations made with reference to the data and figures, Government find it absolutely impossible to support this resolution. Justice, courage and statesmanship—all these require that my friends on the official benches should come forward with open hands and welcome the resolution. Those

[Mr. M. R. Madhava Variar.]

who are the gainers from the money of the tax-payer owe a duty to the Government and themselves and to the world at large. They should come forward and acknowledge openly that the criticisms are not improper. Co-ordination is required and very sound advice is necessary to enable these Development Departments to carry on the work of nation-building in which the Government of His Highness the Maha Raja are so deeply interested.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Sir, I have not to say much by way of reply beyond what I have been saying. With all his rhetoric, so far as I am concerned, Mr T. K. Velu Pillai has not made out a strong case for the appointment of a separate committee when there is already the Economic Development Board. Probably it may be due to the ignorance of what the Board has been doing in this direction. For the information of the House I may say that some of these problems to which Mr. Velu Pillai was referring we have been discussing in that Board. For instance, we had a thorough discussion with regard to the future working of the Co-operative Department, and the conclusion we arrived at was that the Co-operative Registrar, who just returned after a thorough training outside Travancore, was in a better position than the so-called lay members of the Board.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): One word of personal explanation. I am dissatisfied with the Board for the reason that the powers conferred by law are not enough.

PRESIDENT: That does not arise now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I have been closely following the work of the Economic Development Board. Most of the members of the Board are my personal friends, and I have been studying the documents they have published.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): It is within the purview of the Board to co-opt members whenever any technical help is necessary, and it is perfectly within the right of the Board to discuss things seriously so that they may be recommended to the Government. When there is a Development Board of that kind, I think it is superfluous to go in for another committee, especially when it is considered that by having a committee you will be tying down the hands of the Development Departments for years together to a policy to which the departments may not agree. For these reasons I consider the appointment of a separate committee superfluous and unnecessary.

PRESIDENT: Do you press your motion, Mr. Velu Pillai?

MR T K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes.

The motion was put to the vote and lost, 13 voting *for* and 20 *against*.

The following resolution was not moved and hence it was deemed to have been withdrawn.

Institution of Competitive Examinations.

MR. M. R. MADHAVA VARIAR:

"This Council recommends to the Government that competitive examinations be instituted for recruitment to Government service."

The following resolution was deemed to have been withdrawn as the member was absent:

Appointment of Non-Hindus and non-caste Hindus in the Revenue Department.

MR. TARIATU KUNJITOMMEN:

"This Council recommends to the Government that only Non-Hindus and non-caste Hindus be appointed to places that may fall vacant in the Revenue Department in the course of the next seven years."

Supply of Fresh Water in Kartikapalli and Karunagapalli Taluks.

MR. C. RAMANKUNJU (*Nominated*): I beg to move that:

"This Council recommends to the Government that immediate steps be taken to supply fresh water to the people on the sea coast of Kartikapalli and Karunagapalli taluks."

കരുനാഗപ്പള്ളി, കാൎത്തികപ്പള്ളി ഈ താലൂക്കുകളുടെ സമുദ്രതീരത്തു കായംകുളം കായലിന്റെ വടക്കെ അററം മുതൽ ആലപ്പുഴവരെയുള്ള ഉദ്ദേശം ഏഴു മൈൽ സ്ഥലത്തു താമസിക്കുന്ന ജനങ്ങൾക്കു ജലദൌൎല്ലഭ്യം നിമിത്തം ഉള്ള സങ്കടം നിവൃത്തിയാക്കണമെന്നുള്ളതാകുന്നു എന്റെ പ്രമേയത്തിന്റെ ഉദ്ദേശം. ഈ സ്ഥലം കായലിന്നും കരയ്ക്കുമിടയ്ക്കു അരമുതൽ രണ്ടുവരെ ഫർലാങ്ങ് വീതിയുള്ള ഒരുകരയാകുന്നു. അവിടെ താമസിക്കുന്ന ജനങ്ങൾ മത്സ്യം പിടിത്തം, കയറുപിരി മുതലായ തൊഴിലുകൾ ചെയ്തു ജീവിതം കഴിക്കുന്നവരാകുന്നു. അവൎക്കു രണ്ടു മൂന്നു കൊല്ലങ്ങൾക്കു മുമ്പു വരെ അധികം ഉപ്പില്ലാത്ത വെള്ളം സ്ഥലത്തു നിന്നു തന്നെ കിട്ടിക്കൊണ്ടിരുന്നു. എന്നാൽ ഇടക്കാലത്തുണ്ടായ കടൽ ക്ഷോഭം നിമിത്തം കരയുടെ വീതികുറയുകയും കരയിൽ നിന്ന് അല അടിച്ചു കയറുന്ന ഉപ്പുവെള്ളം കരയിൽ കൂടി ഒഴുകി കായൽവരെ ചെല്ലാൻ തുടങ്ങിയകാലം മുതൽ കുടിക്കുന്നതിനോ കുളിക്കുന്നതിനോ ആവശ്യമുള്ള വെള്ളം സ്ഥലത്തു നിന്നും തീരെ കിട്ടാതെയാകുകയും ചെയ്തു.

ഇപ്പോൾ അവിടെയുള്ള ജനങ്ങൾ ശുദ്ധജലം കൊണ്ടുവരുന്നതു കായലിന്നു കിഴക്കെക്കരയിൽ ഉദ്ദേശം ഒരു മയിൽ ദൂരംവരെ കിഴക്കോട്ടു മാറിയുള്ള സ്ഥലങ്ങളിൽ നിന്നാകുന്നു. ഓരോ വീട്ടിലുമുള്ളവൎക്കു അവൎക്കു ആവശ്യമുള്ള വെള്ളം ശേഖരിക്കുന്നതിന്നു വെള്ളത്തിലും കരയിലുമായി നാലും അഞ്ചും മയിൽ യാത്ര ചെയ്തതിന്നു ശേഷമേ സാധിക്കയുള്ളു. ഇത്രയും ബുദ്ധിമുട്ടു സഹിച്ചു കൊണ്ടുവരുന്ന വെള്ളം മിക്കവാറും കായലിൽ ഉണ്ടാകുന്ന കാറും കോളും നിമിത്തം നഷ്ടപ്പെട്ടു പോകുന്നതിനിടയാകുന്നു. കായംകുളം കായലിന്റെ താഴ്ച കുറവല്ലായിരുന്നുവെങ്കിൽ കൊല്ലംതോറും അനേകം ജീവൻ വെള്ളത്തിന്നുവേണ്ടി ബലികഴിക്കപ്പെട്ടുവായിരുന്നെനെ.

സാംക്രമികരോഗങ്ങളുണ്ടാകുന്ന കാലങ്ങളിൽ അവയുടെ പകച്ചയും ഈ ജലാവശ്യം നിമിത്തം സുകരമായിത്തീൎന്നിട്ടുണ്ടു്. ഈ ജലദൌൎല്ലഭ്യം അവയുടെ പ്രചാരത്തിന്നുവേണ്ടി വളരെ സഹായിക്കുന്നുണ്ടു്.

[Mr. C. Ramankunju.]

ജലദൌർലഭ്യം നിമിത്തമുണ്ടാകുന്ന ധനനഷ്ടം നോക്കുമ്പോൾ അവിടെ ജലസൌകൎയ്യം ഉണ്ടാക്കേണ്ടതു് ഏററവും അത്യാവശ്യമെന്ന് പ്രത്യക്ഷപ്പെടുന്നു. ഏകദേശം ൩,൦൦൦-ന മേൽ ജനങ്ങൾ അധിവസിക്കുന്ന പ്രസ്തുതസ്ഥലത്ത് ആവശ്യമുള്ള വെള്ളം കൊണ്ടുവരുന്നതിനു ദിവസം ൮,൦൦൦ സ്ത്രീകളെങ്കിലും ബുദ്ധിമുട്ടി ആ ജോലിയിൽ ഏൎപ്പെടേണ്ടിവരുന്നു. കയററിനങ്ങളിൽ വിലകൂടിയ ആലപ്പാടനും, ആറാട്ടുപുഴയും കയറു തരങ്ങൾ ആ ദേശത്തുള്ള സ്ത്രീകൾ പിരിച്ചുണ്ടാക്കുന്നതാകുന്നു. ആ പ്രദേശത്തുള്ള സ്ത്രീകൾ എല്ലാം അല്പംപോലും സമയം നഷ്ടം വരുത്താതെ കയറുപിരിജോലിയിൽ ഏൎപ്പെട്ടു വരുന്നവരാകുന്നു. അവരിൽ ൮,൦൦൦ പേൎക്കു ദിവസേനവെള്ളത്തിനു ദൂരെ പോകാതെ കഴിക്കാൻ സാധിക്കുമെങ്കിൽ ചുരുങ്ങിയതു് ൮,൦൦൦ റാത്തൽ കയറെങ്കിലും കൂടുതൽ ഉണ്ടാകുന്നതാണ്. ൮,൦൦൦ റാത്തലിനു വെള്ളിക്കോലുകാരന്റെ വിലയാണെങ്കിൽ തന്നെയും ൩,൦൦൦ പണം ലഭിക്കുന്നതാകുന്നു.

ശുദ്ധജലം കിട്ടുന്നതിന് അവിടത്തെ ജനങ്ങൾക്കുള്ള ബുദ്ധിമുട്ട് ഇപ്പോൾ സൎക്കീട്ടായി അവിടെ എത്തിയിരിക്കുന്ന ഗവൎമ്മെന്റുവക ഡ്രെഡ്ജർ മുഖാന്തിരം ചീഫ്ഇൻജിനീയർ അവർകളും അറിഞ്ഞിട്ടുണ്ടെന്നാണ് തോന്നുന്നതു്. അതിനാൽ എന്റെ ഈ പ്രമേയത്തെ അദ്ദേഹം ബലമായി പിൻതാങ്ങുമെന്ന് എനിക്കു നല്ല വിശ്വാസമുണ്ട്. അങ്ങനെ ചെയ്യുന്നതിൽ അദ്ദേഹത്തിന്റെ ഡിപ്പാർട്ടുമെന്റിൽ കൊച്ചിയിൽ മിസ്റ്റർ മോഡിയുടെ സ്കീം പോലെയോ മറേറാ ഉള്ള ഒരു വലിയ വേല ഉണ്ടാകുമെന്നുള്ള ഉദ്ദേശം ഉണ്ടായിരിക്കയില്ലെന്നും എനിക്കറിയാം. എന്തുകൊണ്ടെന്നാൽ പ്രമേയത്തിനു വിഷയമായ സ്ഥലത്തിനടുത്ത് ആറുകളോ മററു ശുദ്ധജലസൌകൎയ്യങ്ങളോ ഇല്ല. അതിനാൽ അങ്ങനെയുള്ള സ്ഥലങ്ങളിൽനിന്നു ശുദ്ധജലം കൊണ്ടുവരുന്നതിനുള്ള ചിലവു ഗവൎമ്മെന്റിനു സഹിക്കാൻ സാധിക്കുമെന്നും തോന്നുന്നില്ല.

പിന്നെ സൌകൎയ്യമുള്ള മാൎഗ്ഗം സ്ഥലത്തുതന്നെ കുഴൽഇറക്കി വെള്ളം എടുക്കുക എന്നുള്ളതാകുന്നു. സ്ഥലത്തുനിന്നു ശുദ്ധജലം കിട്ടുമോ എന്നു പരീക്ഷിച്ചുനോക്കുന്നതിനു സൌകൎയ്യമായ ഒരു യന്ത്രം ഇപ്പോൾ ഗവൎമ്മെന്റുവകയായി വരുത്താൻ നിശ്ചയിച്ചിരിക്കുന്നതുകൊണ്ടു എളുപ്പത്തിലും അധികം ചിലവുകൂടാതെയും ആയതു സാധിക്കുന്നതാണ്. അതിനാൽ പ്രസ്തുതയന്ത്രം വന്നു ചേൎന്നാൽ ഉടനെ ഈ സ്ഥലത്തു അതിനെ ഉപയോഗിച്ചു പരീക്ഷനടത്തണമെന്നും വേണ്ട ചിലവു കൌൺസിൽ

അനുവദിക്കണമെന്നുമാണ് ഞാൻ ഈ പ്രമേയംമൂലം അപേക്ഷിക്കുന്നത്. ഈ രാജ്യവാസികളായ ൩,൦൦൦-ൽ പരം ജനങ്ങൾ തങ്ങൾക്കു ശുദ്ധജലം വേണമെന്നാവശ്യപ്പെടുമ്പോൾ അതിനെ ഈ കൌൺസിൽ ദയാപൂർവം വിചിന്തനം ചെയ്യണമെന്നാണ് അപേക്ഷ കാ[illegible]ംകുളം കായലിൽ കൃഷിക്കു സൌകര്യമായ സ്ഥലങ്ങൾ ധാരാളം ഇനിയും കിടപ്പുണ്ട്. വെള്ളം കിട്ടുന്നതിനുള്ള അസൌകര്യം ഇല്ലായിരുന്നു എങ്കിൽ ആ കായലിൽ ഉള്ള അനേകായിരം ഏക്കർസ്ഥലം ഇതിനിടെ ആളുകൾ കൃഷിചെയ്തു നന്നാക്കുമായിരുന്നു.

ഈ പ്രമേയം തള്ളപ്പെടുന്നു എങ്കിൽ അത് ഈ രാജ്യത്തുള്ള ൩,൦൦൦-ൽ പരം ജനങ്ങളുടെ ജീവനോട് ഈ കൌൺസിലിനു കാരുണ്യമില്ലെന്നു രേഖപ്പെടുത്തുന്നതായിട്ടാണ് വിശ്വസിക്കേണ്ടിയിരിക്കുന്നതു്.

MR. M. N. PILLAI (*Trivandrum*): I second it.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Sir, the resolution moved by Mr. Ramankunju is one that will readily evoke the sympathy of the Government. The subject of providing fresh water to the people on the sea coast in Valiyazhikkal, Azhikkal, Ayiramtengu, Sraikkad and Parayakadavu *Turas* is already engaging the attention of the Government. Mr. K. V. Kumara Panikkar, Kaliasseri, Azhikkal, and others have represented to the Government in a petition the difficulties experienced by them and prayed for some scheme of bringing pure water from the main land opposite. They have also offered to submit to a house tax of Re. 1 per mensem and that there are 1,400 houses which would be benefited and might be so taxed. The matter was investigated and it was found that the problem was not a simple one. The tube well sunk in the premises of the Ayiramtengu Travellers' Bungalow has not proved a success. Wells and waterholes on the sea coast are found to contain brackish water except in the case of very shallow pits which contain some surface drainage which is not so bad. The supply from the latter is not adequate and in the hot weather they fail. Any scheme of bringing fresh water from the main land in a line of piping carried on trestles with necessary pumping plant and water tower, as suggested by the petitioners, will be disproportionately costly. Deep bore wells have therefore to be tried first, as the mover himself has said, as an experimental measure. If these also prove unsuccessful, then the question of bringing water from the mainland will be considered. The matter has therefore to be approached carefully and necessary investigation undertaken, and it may not therefore be possible to take *immediate* steps to supply fresh water. Government would however be prepared to order the necessary investigation. The Director of Industries has just been granted funds for purchasing a power-driven drill for boring soils at great depth. As soon as this plant is purchased, one or two deep bore wells will be tried at the locality.

[Mr. C. P. Kochukunju Pillai.]

Government have also received a recommendation from the Registrar of Co-operative Societies for sinking three wells for the use of the people living on the sea coast near Trikkunnapuzha. This is also engaging the attention of the Government.

The Government have earmarked funds in the P. W. Budget for sinking public wells which may be recommended by the Sanitary Commissioner or the Dewan Peishkar.

As the matter is already engaging the attention of the Government, I would request the member to withdraw his resolution.

PRESIDENT: Mr. Ramankunju, the Chief Engineer has explained what steps have already been taken and he says he cannot accept the resolution in its present form, because you want that immediate steps should be taken which the Chief Engineer says is not practicable. He says that as soon as the boring plant is purchased one or two deep bore wells will be tried in the locality. If you are satisfied with that, you may withdraw.

MR. C. RAMANKUNJU (*Nominated*): മെഷീൻ വന്ന ഉടനെ ചെയ്തുതരാമെന്നുണ്ടെങ്കിൽ പ്രമേയം പിൻവലിക്കാം.

PRESIDENT: We hope to do it when the machine arrives. Government cannot say anything now. Do you withdraw the resolution in the light of what the Chief Engineer has said?

C. RAMANKUNJU (*Nominated*): Yes.

PRESIDENT: Does the House permit Mr. Ramankunju to withdraw the resolution?

The resolution was accordingly withdrawn with the permission of the House.

PRESIDENT: The next resolution stands in the name of Mr. Tariatu Kunjitomman who is not present.

The following resolution was therefore deemed to have been withdrawn as the member was absent.

Registry of Lands within Reserved Forests.

MR. TARIATU KUNJITOMMAN:

"This Council recommends that Government do arrange to find out and survey all lands measuring not less than 5 acres, lying within the reserves and possessing the necessary irrigational facilities for raising a single or double crop every year, and register them by public auction to the agriculturists of the State."

PRESIDENT: The next resolution stands in the name of Mr. C. P. Kochukunju Pillai.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): I do not move it.

The following resolutions were deemed to have been withdrawn as the same were not moved.

Control over Banking Firms.

MR. C. P. KOCHUKUNJU PILLAI:

"This Council recommends to the Government that they be pleased to take such action as may be deemed fit to ensure proper control over the banking firms in the State in the interests of the public."

Stipends to Depressed Class Pupils.

MR. C. RAMANKUNJU:

"This Council recommends to Government that a scheme for granting stipends to pupils of the depressed classes be introduced immediately by way of encouragement to them in the matter of their education."

PRESIDENT: The next resolution also stands in your name.

Allocation of Special Funds for Stipends to Depressed Class Pupils.

MR. C. RAMANKUNJU (*Nominated*): Sir, I beg to move that:—

"This council recommends to the Government that a sum of Rs. 1,00,000 be set apart annually to grant stipends to pupils of the depressed classes in addition to fee concession."

ഈ രാജ്യത്തിൽ ഉദ്ദേശം ഏഴുലക്ഷത്തോളം അധഃകൃത വർഗ്ഗത്തിൽ പെട്ട ആളുകളാകുന്നു. അവരുടെ ഇടയിലുള്ള വിദ്യാഭ്യാസസ്ഥിതി ഏററവും ശോചനീയമായ നിലയിലാണിരിക്കുന്നതു്. കഴിഞ്ഞ സെൻസസ് റിപ്പോർട്ടുപ്രകാരം സാംബവർ, ചേരമർ മുതലായ വർഗ്ഗത്തിൽ ൧,൦൦൦-നു ൧൫ ശതമാനത്തിൽ കുറച്ചുമാത്രമെ എഴുതാനും വായിക്കാനും അറിയാവുന്നവർ ഉള്ളു എന്നു കാണുന്നു. മററുള്ള വർഗ്ഗക്കാർക്കുണ്ടായിരുന്ന സൗകര്യങ്ങൾ കൊണ്ടു അവർ വലിയ വിദ്യാഭ്യാസമുള്ളവരായിത്തീരുകയും ഇപ്പോഴുള്ള വിദ്യാഭ്യാസക്കുറവിനെ പരിഹരിക്കാൻ സാധിക്കയും ചെയ്യും. സ്കാളർഷിപ്പുമുതലായ ഇനങ്ങളിൽ ഗവർന്മെന്റു വലിയ സംഖ്യ ചിലവുചെയ്യുവരുന്നുണ്ടെങ്കിലും അധഃകൃതവർഗ്ഗക്കാരുടെ ഇടയിൽ അതു കിട്ടുന്നതു് വളരെ ചുരുക്കമാണ്. അവരോടു മത്സരിച്ചു സ്കാളർഷിപ്പു മുതലായവ വാങ്ങുന്നതിനുള്ള സാമർത്ഥ്യം ഈ അധഃകൃതവർഗ്ഗത്തിൽ പെട്ടവർക്കു ഇനിയും പത്തുകൊല്ലംകൂടി കഴിയാതെ ഉണ്ടാകുമോ എന്നുള്ള കാര്യവും സംശയമാണ്. ഈ സ്ഥിതിക്ക് കൂടുതൽ സഹായം ചെയ്തുകൊടുത്താൽ മാത്രമെ അധഃകൃതവർഗ്ഗത്തിൽ പെട്ടവർ മുന്നോട്ടു വരികയുള്ളൂ. ബോംബെ, മൈസൂർ മുതലായ ഗവർന്മെന്റുകൾ ധാരാളം സഹായങ്ങൾ ചെയ്തുവരുന്നുണ്ട്. മൈസൂർ ഗവർന്മെന്റു കഴിഞ്ഞ ആണ്ടത്തെ ബഡ്ജററിൽ ഒരു ലക്ഷം രൂപയോളം അവരുടെ വിദ്യാഭ്യാസത്തിനു നീക്കിവച്ചിട്ടുണ്ട്. അതിനാൽ ഒരു ലക്ഷം രൂപയിൽ കുറയാതെയുള്ള ഒരു സംഖ്യ ഈ രാജ്യത്തിലെ അധഃകൃതവർഗ്ഗക്കാർക്കു വേണ്ടി നീക്കിവയ്ക്കണമെന്നു ഞാനപേക്ഷിക്കുന്നു.

MR. N. KUMARAN (*Nominated*): I second the resolution.

[Mr. C. Ramankunju.]

MR. L. C. HODGSON (*Director of Public Instruction*): Sir, the mover has proposed that a sum of Rs. 1,00,000 should be set apart towards the education of the members of the depressed classes. He says that there are as many as 7,00,000 pupils in the depressed classes.

PRESIDENT: 7,00,000 of the population.

MR. L. C. HODGSON (*Director of Public Instruction*): I mean not pupils but population. He says that the existing fee concessions are inadequate. He also says that only 75 out of 1,000 are literate, and that the existing scholarships and stipends, in as much as they generally go by merit, do not reach these classes. He therefore prays that Rs. 1,00,000 may be set apart towards education among them and he informs that the Mysore Government have set apart the same amount of Rs. 1,00,000 for that purpose. I would like to point out that the question of fee concession and scholarship is at the present time under the consideration of the Government and that it seems to me that it will be far better if any motion of this kind is deferred until the Government decision in the matter is known. It will be remembered that in the last session of the Council the question of certain fee concessions which were being given to backward and depressed classes alike was discussed and it was agreed—and I gave the Council an assurance—that this question of distribution of funds among the different classes of the population would be taken up afresh for consideration, and the principal point upon which the question will be settled will be the question of poverty and not the question of merit, so that when this matter is gone into and finally disposed of, it will not be the case that the scholarships and stipends go according to merit and therefore do not reach the poor. The first consideration will be the means of the people. I think that, as this matter is already under the consideration of the Government, it will be a pity to carry a motion of this kind. The matter may be left to the Government, and I can assure the House that, in their deliberations and in drawing up a final scheme with regard to the award of scholarships and stipends, the needs of the depressed classes will be fully borne in mind by the Government. With that assurance I would request the member not to press the motion.

PRESIDENT: You have heard Mr. Hodgson. Are you pressing the motion?

MR. C. RAMANKUNJU (*Nominated*): ധനസ്ഥിതിനോക്കി വിദ്യാഭ്യാസസഹായം ചെയ്യാം എന്നാണ് ഡയറക്ടർ അവർകൾ പറഞ്ഞത. അത് അധഃകൃതവർഗ്ഗക്കാർക്ക ശരിയായികിട്ടാൻ സാധിക്കയില്ല.

PRESIDENT: He said that would be the first consideration.

MR. T. LAKSHMANA PILLAI (*Nominated*): May I request him to define who are the depressed classes?

MR. C. RAMANKUNJU (*Nominated*): Cheramars, Sambavars, hill tribes, etc. എഡ്യൂക്കേഷൻ കോഡിൽ depressed classes എന്ന വിവരിച്ചിട്ടുള്ള എല്ലാവർഗ്ഗക്കാരും;

PRESIDENT: They have been defined in the orders issued to the Education Department.

MR. T. LAKSHMANA PILLAI (*Nominated*): Do Ezhavas belong to the depressed classes?

PRESIDENT: They belong to the backward community.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The question is whether the member is moving the resolution. He has not answered the President's question.

PRESIDENT: He has not answered. Apparently he wants to press it. Are you pressing it, Mr. Ramankunju?

MR. C. RAMANKUNJU (*Nominated*): Yes.

MR. L. C. HODGSON (*Director of Public Instruction*): By way of explanation I shall say a word or two. A certain portion of the scholarships goes on merit as a means of incentive. That goes without saying. But as regards fee concessions and stipends, such as those that are given under Rule 146 (g) of the Education Code, *i. e.*, to certain pupils that study from among the classes that do not ordinarily rise in the scale, the first consideration would be poverty.

MR. C. RAMAN KUNJU (*Nominated*): Depressed Classes—ലെ ഏതുപേൎക്ക ഡയറക്ടർ അവർകൾ സ്കാളർഷിപ്പ് കൊടുത്തുവരുന്നുണ്ട.

PRESIDENT: You cannot put a question. He is only explaining the statement you made.

MR. C. RAMANKUNJU (*Nominated*): വിദ്യാഭ്യാസത്തിനാവശ്യമുള്ള ഒരു വലിയ സംഖ്യ ആണ് ചിലവാകേണ്ടത്. ഏഴുലക്ഷം ജനങ്ങളുടെ ആവശ്യത്തിനായി ഒരു ലക്ഷം രൂപാനീക്കി വയ്ക്കേണ്ടതാവശ്യമാണ്. അതിനാൽ എന്റെ പ്രമേയത്തെ പ്രെസ് ചെയ്യുന്നു.

MR. L. C. HODGSON (*Director of Public Instruction*): It seems to me that, in as much as the Government are considering this matter it is not proper to bring forward a motion of this kind. I can only repeat what I said that the fullest consideration would be given to the claims and needs of the depressed classes when the order is finally passed. If that will satisfy the member he will withdraw the resolution.

PRESIDENT: Do you wish to press the motion to the vote.

MR. C. RAMANKUNJU (*Nominated*): Yes.

The resolution was put to the vote and lost, 8 members voting *for* and 17 *against*.

MR. C. RAMANKUNJU (*Nominated*): I want a poll.

A poll was taken with the following results;

[Mr. C. Ramankunju.]

AYES—8.

1. Mr. J. John Nidiry.
2. „ K. Paramesvaran Pillai (Tiruvalla).
3. „ K. Dominic Tomman.
4. „ N. Kumaran.
5. Mr. C. Ramankunju.
6. „ Paul V. Daniel.
7. „ A. Hoogewerf.
8. „ A. Govinda Menon.

NOES—18.

1. Mr. I. C. Chacko.
2. „ R. Dhanukoti Pillai
3. „ K. George.
4. „ L. C. Hodgson.
5. „ R. Krishna Pillai.
6. „ K. Paramesvaran Pillai (Acting Director of Agriculture and Fisheries).
7. Dewan Bahadur Dr. P. N. Lakshmanan.
8. Mr. K. V. Natesa Aiyar
9. Mr. S. Paramesvara Aiyar.
10. „ W. H. Pitt.
11. Rao Bahadur K. V. Ranga-swami Aiyangar.
12. Mr. S. C. H. Robinson.
13. „ V. Subba Aiyar.
14. „ A. J. Van Ross.
15. „ T. K. Velu Pillai.
16. „ P. Paramesvaran.
17. „ P. K. Narayana Pillai.
18. „ L. R. Rajaraja Varma

NEUTRALS—11.

1. The Rev. Fr. Kuriakose Vettik-kapalli.
2. Mr. S. Subrahmanya Kara-yalar.
3. „ C. Sankara Menon.
4. „ Joseph Panjikaran.
5. „ K. C. Mammen Mappillai.
6. Mr. M. R. Madhava Variar.
7. „ T. Lakshmana Pillai.
8. „ C. P. Kochukunju Pillai.
9. „ M. K. Khadir Pillai.
10. „ T. M. Chidambaratanu Pillai.
11. „ S. Adam Sait.

The resolution was declared lost.

The following Resolutions, being not moved, were deemed to have been withdrawn:

Education of Fishermen.

MR. C. RAMANKUNJU:

"This Council recommends to the Government that the system of education now in force for the fisherfolk in the Madras Presidency be introduced in Travancore also."

Appointment of a Committee for formulating a Scheme of Practical Education.

MR. S. KRISHNA AIYAR:

"This Council recommends to the Government that a small committee be appointed to study the different systems of education obtaining outside Travancore (if need be, to travel towards gathering information first-hand) and formulate a scheme of practical education for Travancore."

Supply of Agricultural Implements on the Hire-Purchase System.

MR. C. RAMANKUNJU:

"This Council recommends to the Government that arrangements be made with the Development Departments to supply implements and machines for agriculture and cottage industries on the hire-purchase system."

Abolition of Minor Municipalities.

MR. K. C. MAMMEN MAPPILLAI:

"This Council recommends to the Government that all Municipalities in the State except those of Kottayam, Alleppey, Quilon, Trivandrum and Nagercoil be abolished."

Improvement of the Main Central Road.

MR. K. C. MAMMEN MAPPILLAI:

"This Council recommends to the Government that the Main Central Road throughout its length be raised above flood level, and be well metalled, and that such other step as may be deemed desirable be taken to protect the road from damage by flood or rains."

Postponement of the Operation of the Civil Courts' Guide.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I beg to move that;

"This Council recommends to the Government that the operation of the new Civil Courts' Guide published under the authority of the Government be suspended till the new Civil Procedure Bill becomes law."

The High Court of Travancore, with the approval of the Government, have published a new *Civil Courts' Guide* and it has come into operation from the 1st Vrischikam this year. From the short experience of the working of this Guide the people have begun to feel annoyed at the circuitous procedure prescribed by the High Court. Most of the provisions of this Guide are borrowed from the *Madras Civil Courts' Guide*. In British India, the authorities do feel that the procedure followed in the civil courts creates unnecessary delay and the Viceroy in a speech at Calcutta dwelt upon the necessity of simplifying the procedure. When the authorities in British India are dissatisfied with the procedure followed there and when they contemplate to simplify the procedure, we make bold to copy those provisions which they consider obnoxious. The High Court have thought it fit to eschew certain provisions in the *Madras Civil Courts' Guide* which are advantageous to the litigant public. To quote one instance, it is ruled in our *Civil Courts' Guide* that every interlocutory application is to be supported by an affidavit. According to the definition of interlocutory application in the Guide all applications come under the category. Even an application for adjournment is an interlocutory application. If a client is absent on a day when the case is posted for evidence, the vakil will have to put in an application for adjournment together with an affidavit. Those who are intimately connected with courts know that even for the attestation of the affidavit the client will have to spend a small amount. This provision is responsible for the waste of money and stationery. Another provision in the Guide is that the clients will have to put in their applications for adjournment three days before the date of hearing. Many forms are prescribed simply to add to the work of vakil *gumastas* and clerks of the court. By the introduction of the *Civil Courts' Guide*, higher rates of batta, mileage and process fees are fixed. Only the maximum is fixed and the minimum is not mentioned and no discretion is left to the courts to fix a minimum. Some provisions of the Guide contravene the sections of the Civil Procedure Code. For example,

[Mr. P. K. Narayana Pillai.]

I may mention the time fixed within which an objection to an appeal memorandum may be stated. The Civil Procedure Code enjoins that all objections should be filed seven days before the hearing of the appeal. The Guide prescribes 18 days' time. Though the Code allows the client to state his objections at the time of hearing, the Guide does not allow it. Thus there are very many provisions in the Guide which complicate the procedure, cause unusual delay and cause an additional burden on the litigant public and the lawyers.

When the new Civil Procedure Bill which is on the legislative anvil becomes law the procedure will be considerably changed and very great changes will have to be made in the Guide itself. What I propose is that the operation of this Guide may be suspended till the passing of that Bill and a more simple procedure fixed thereafter in consultation with the litigant public and those who are intimately connected with law courts.

The Guide in question was sprung upon the public. The litigant public were not consulted. It was not published for public criticism. All aspects of the question were not considered by the framers of the Guide.

When this Guide came into operation some Bar Associations requested the High Court to suspend its operation for some time. Though the provisions of the Guide came into operation from the 1st of Vrischikam 1099, the book was not available at that time. The *Civil Courts' Guide* is a book which every client is expected to read. The ignorance of the provisions therein will be no excuse in a court of law. But this book was published in English and even now a translation of it is not available to the public. It is hard to impose penalties upon clients, if they unknowingly contravene the provisions of a Guide which they cannot read and understand. On these grounds I move that the operation of the Guide be suspended till the new Civil Procedure Code Bill becomes law.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I second the resolution.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I have very great pleasure in supporting the resolution of my friend, Mr. Madhava Variar. I myself had originally sent in a resolution on this subject. But having been strangled by fate in the balloting process it happened to be rejected, and my friend's resolution came in. I am none the less joyful on that account. I am very happy to support this resolution.

One or two particular points I wish to make out in connection with this resolution are these. First the language of the court as may be seen from section 45 of the Civil Procedure Code is not English; it is the vernacular of the land that is considered to be the language of the court. Yet the learned authorities who were responsible for the Guide

did not enact the measure, as they are legally bound, in the vernacular of the State. At least a translation ought to have been supplied to the litigant public. No such thing has been done hitherto. I need hardly depict the extreme hardship caused to the people. For example, the litigants, many of whom do not know English, are expected to know all these technicalities when they are concerned with notices, petitions, verified petitions, etc., under the Civil Procedure Code. They are expected to know these rules, whatever be the language in which the learned gentlemen who were responsible for this *Civil Courts' Guide* have enacted it, without paying any attention to the situation. It is a very real hardship. It is mainly the litigant public who are expected to master all these intricacies that would be hard put to it; and, even for the legal practitioner it is not easy to master all these rules. The vakils' clerks, who generally know only Malayalam or Tamil, do not know how to proceed under the new Guide which has appeared all on a sudden like a bolt from the blue! In spite of the sacrosanct nature of the High Court which has enacted this particular volume, in spite of the unalterable faith of the people in the infallibility of the High Court in all other respects, is this not really a case of flouting public opinion when the High Court refuse even to publish an authorised translation of the *Civil Courts' Guide* for the guidance of the people?

Further, Sir, though the High Court have authority in enacting these rules, so far as the Civil Procedure Code is concerned, I would submit, generally, as a matter of principle, when the rules are enacted a draft set of rules should be published in the *Gazette* so that the public may have a voice in the matter of deciding upon the wisdom or otherwise of the rules. No such thing has been done in the present instance. A number of rules have been enacted in the present *Civil Courts' Guide* which are being criticised very ably in the *Travancore Law Journal* by a legal practitioner. Sir, may I point out that some of the rules work harshly upon the litigant public? If it is intended for the purpose of facilitating the administration of civil justice, I would submit that the results in the working of the Guide point quite in the opposite direction. But I do not want to offer any detailed criticism with respect to that at present. My own view is that public opinion has to be consulted. Even with respect to legislative measures, that is to say, with respect to the Bills to be passed by this House, they are published for inviting public criticism and then only are the measures passed through the Council. When such is the case, in spite of the fact that we are prepared not a little to respect the pose of the High Court, I would submit that this appears to be an unacceptable piece of judicial legislation.

Thirdly, I would also point out that, with respect to some of the Regulations under which these rules have been framed, those Regulations themselves have been repealed by this Council. For example, it may be seen that some of the rules have been framed under Regulation III of 1057—the Destruction of Records Regulation. This Regulation of

[Mr. V. Subba Aiyar.]

1057 has been repealed and re-enacted. No doubt, under the General Clauses Regulation, things may be tacked on and the validity may be maintained.

Fourthly, may I also point out that the Civil Procedure Code is undergoing revision and may without delay be submitted to this House. Where is the hurry to enact these rules of practice when the Civil Procedure Code is undergoing modification? In considering the question of subsidiary rules, I have only to submit that the parent Regulation itself is undergoing reconsideration. If we are going to enter into the merits of these rules, it would probably take much more time than this House will legitimately devote to them. I do not wish to proceed to the consideration of that aspect. On all these grounds, I most willingly support this resolution.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the new civil rules of practice have been promulgated by the High Court under the power vested in them by the Civil Procedure Code and also with the sanction of the Government. It is now proposed by this resolution that those civil rules of practice should be suspended for some time. In a matter of this kind, I should have expected very strong reasons advanced in support of such a resolution, because these rules of practice were very carefully revised. The existing civil rules of practice do not contain a new body of rules. On the other hand, all the existing old civil circulars bearing upon various matters have been collated, consolidated, and, wherever amendments were necessary, amended.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether there are no new rules in the *Civil Courts' Guide*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Wherever amendments are necessary they have been made. All that it contains are not new rules. For our elucidation a vakil has taken the trouble to point out all the new additions in an article in the latest Travancore *Law Journal*. That will show that there are very few amendments which may be called amendments. The rest were in existence at the time when the Guide was framed. In order to enforce these rules properly and without having the necessity to refer to various circulars not easily available to the public, these rules were collected, revised, added and amended. This is the *Civil Courts' Guide*.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether these rules were submitted for public criticism?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will come to that. I will answer every one of the arguments.

These rules were drafted not by some petty clerk of the High Court. The Chief Justice and the most experienced Puisne Judge, at the time, were at work for such a long time as eight months. These rules were forwarded to the Bar Associations for their opinion. Whatever opinions were sent to the High Court were considered by them,

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was any suggestion forwarded by the Bar Association accepted by the High Court?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): All the suggestions that were made to the High Court, whether they were necessary or not, were considered.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was any resolution sent up by the High Court Vakils' Association to say that this should be postponed?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not aware of that.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was any resolution sent up after it was published?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is to say, before the 1st of Tulam?

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): When Government sanction was obtained—and the Code has been published under the Regulation—it would come into force on a certain day specified in the notification. On the strength of a resolution passed by an association, the High Court may not be justified in suspending the rules.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Were the Civil Rules available for sale at the Government Press?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe they were. Even before that, they were being sent or circulated. Perhaps some of the vakils might not have been in a position to get them. I do not think that that is such a serious matter as to necessitate the suspension of the rules.

As I said, two judges were at work for more than eight months. They went through it, rule after rule. In order that these rules may be suspended we would expect a strong case being made out. Let us see what the various reasons advanced are.

Mr. Madhava Variar said that these rules themselves embodied a circuitous procedure. He said that it was under the contemplation of the Government of India to simplify these rules of procedure to afford ample opportunity to the courts to dispose of cases as early as possible. With reference to that argument, I can only say that the Civil Procedure Code itself prescribes a circuitous procedure, and how that should be enforced is detailed in the civil rules. So long as the Civil Procedure Code is enforced by the Government of India or the Travancore Government, I do not think it will be feasible to amend the civil rules.

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Are we not going to amend the Civil Procedure Code?

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A committee to consider the causes of law's delays has been appointed in

[Mr. P. K. Narayana Pillai.]

British India. It remains to be seen whether the procedure detailed in the Code is going to be cut short. The right of appeal against orders or against appellate decrees will have to be considerably restricted. Unless all these things are done there is not the slightest chance of any civil case being disposed of as early as possible. The present Civil Procedure Code which is now before the House does not simplify the procedure in the courts in the matter of the right to give evidence or the right to put in documents, and the Guide wants to enforce these as rigorously as possible. It is only when these rules are sought to be enforced that the difficulty comes in. It is said that in interlocutory petitions an affidavit is not necessary, and that an interlocutory petition is supposed to include every application. No doubt, the definition in the *Civil Courts' Guide* includes every application filed during the pendency of any suit. When, in the interpretation of these rules, certain hardships are felt by the litigants and they are pointed out, I have not the slightest doubt that the High Court will be quite ready to modify or to amend the rules. The rules came into existence on the 1st Vrischikam and now we are in Makaram. The Vakils, the Judges and the Munsiffs ought not to feel any difficulty in working them.

MR. C. SANKARA MENON (*Quilon*): Does Mr. Subba Aiyar know that two or three hours are taken by the judges every day to see that the applications presented to the courts are in accordance with the rules?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I may say that the vakils and the court officers are not quite accustomed to the new rules and their mode of arrangement and that will take some time. But everyone will know the rules very soon. I think the vakils' clerks will get acquainted with them. It is said that some of the provisions may not aid the ministerial work of the various courts, but protract litigation rather than curtail it. On the other hand, some of the provisions are very wholesome and ought to be welcomed. For instance, Mr. Madhava Variar referred to adjournment and the necessity for affidavits. I know, as a matter of fact, that adjournments are freely granted. What the new civil rules of practice require is that one must give an affidavit stating the reasons which necessitated the adjournment, and one must also give notice to the opposite side in order that it may be aware of the reasons and be ready to oppose or agree to the adjournment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How is it possible for a party residing at Todupuzha to file an affidavit where there is no possibility of administering the oath?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It can be done before the magistrate; there is a magistrate at Todupuzha.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) Suppose he suddenly falls ill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If he suddenly falls ill, the affidavit may be filed later. Falling ill suddenly and getting ill suddenly merely for the purpose of adjournment are two quite different things. If a man suddenly falls ill while travelling in a boat and if he is not able to reach the court in time he can send a wire to his vakil; the vakil will put in that wire in the court, and say that he will put the formal affidavit the next day, on the basis of the telegram. It is not necessary that the affidavit should be directly from the client himself; it may be sworn by somebody else and filed through the vakil. It is with a view to cut short the number of adjournments and for the speedy disposal of cases that this amendment is introduced.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Does Mr. Subba Aiyar know that this is not in the Madras *Civil Courts' Guide*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No, it is not there. I will say why. When a case is taken up for evidence, it is continued from day to day. It is the invariable rule that a case posted up once should be continued.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is it so in the Munsiffs' courts?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, as far as possible. In other words, the number of adjournments given in Madras is far less than what it is here. As I said, there are only one or two instances where it works hardship. But that is intended to expedite the disposal of cases. If there are unforeseen difficulties experienced by parties, the vakils will make representations; if the courts feel any difficulties, the Munsiffs and Judges will make representations to the High Court.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether Mr. Subba Aiyar has any idea of the approximate number of affidavits that are filed in a District Court, for instance, in Trivandrum?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have no idea. For, I have never sworn an affidavit myself.

Every statement contained in an application has to be supported by an affidavit. The party is tied down by it and he will be proceeded against if the allegations are untrue. If any difficulty is found in regard to the working of these rules the subordinate courts can make representations to the High Court and they will be ready to consider them.

Then it was asked whether all the representations were considered. I may assure the members that all the representations have been considered. Whatever representations were made—I know as a matter of fact that various Bar Associations were consulted and time was also granted to them by the High Court for representation—they were considered by the High Court.

MR. C. SANKARA MENON (*Quilon*): What was the time given for representations?

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): My own idea is that not less than three months were allowed. At any rate, I know three or four months were allowed for the Association at Trivandrum to represent their opinions.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Does Mr. Subba Aiyar know that a communication was sent by the Kottayam Bar Association?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know. But whatever was submitted was received by the High Court, and they have considered it.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether the rules were published in the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Which rules?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): The *Guide* rules.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to publishing the Guide previously, I must say that no circular has been ever published as a draft. There are rules which, under certain Regulations, require previous publication; such rules, of course, are published previously, and the public are allowed to express their views in the matter. But the Civil Procedure Code does not provide that all the rules should take effect only after previous publication. As to the practice in the High Court, they have all along been issued as circulars without previous publication. I do not think it is fair to suggest that the civil rules were purposely enacted before previous publication with a view not to get public opinion in the matter. The people who are best to offer criticism in the matter are the members of the Bar Associations. They were consulted. They sent up their views and the High Court took into consideration those views.

Then, again, Mr. Narayana Pillai said something about the language of the Court. It is stated in Section 45 that the plaint should be written in a language other than English. I have already stated that all the rules in the Guide are not new. They were being followed without difficulty. I admit that it would have been better if the translation had also been published. All the vakils that are practising—I mean practically, if not all—know English.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it sufficient if the vakils alone know English? Should not clients also know English to understand the Guide?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I say it would have been better if the translation also had been published. But that ought not to influence us in any way and the rules which had been in force for the last three months should not be suspended because the translation is not published.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Was there any special necessity for such a hurry?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know whether this measure was enacted hastily.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know what they did during eight months?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Thus much I know. The Chief Justice and Mr. Cheriyan were sitting in their chambers, day after day, going on with these rules. They were engaged, day after day, during court hours, with this work and this work alone, so that, whatever amendments were necessary were made, the existing circulars were revised, and they were put under their proper headings, so that it might be easy for us to pick them up in a moment and to make them, as far as possible, suitable to the present conditions.

Then again, we have been all along urging that the delay in the civil courts has been very long, and there has been pendency for very many years in the High Court. This necessarily suggests that, hereafter, adjournment should not be granted ordinarily and that adjournment applications should be accompanied by affidavits. I think it is a matter that ought to be welcomed rather than criticised.

I was reading to-day the chapter on judgement in the *Civil Courts' Guide*. It states that all the days on which a case was adjourned for final hearing should be noted in the judgment. That would enable the appellate court to know how long a court was engaged in the final hearing of a case. This will enable the High Court to take to task judges or munsiffs if they in any way contribute to the delay. At the time of the budget session, we were concerned with the protracted delay of the civil courts in the disposal of cases, and we found fault with them for not disposing of them early. If we suspend the operation of the civil rules of practice, which the whole body of the High Court consider absolutely necessary for the efficient working of the courts, the only result will be that they will turn round and say: "We framed some rules after mature consideration and deliberation which will be suitable and which will enable us to secure speedy disposal of the cases. The Council put an obstacle to it." The result of it will be, I fear, a worse one. There are instructions and injunctions about the circumstances under which adjournments can be granted. Sometimes parties and vakils consider it desirable to have an adjournment.

MR. C. SANKARA MENON (*Quilon*): Does Mr. Subba Aiyar say that the vakils are interested in having cases postponed?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I never said that. I say that a vakil might not be in a position to attend the court owing to some inconvenience or various other causes. Owing to the inconvenience of the vakils or of the parties it may be necessary to put off the case. In all these cases, adjournments could be avoided and the delay cut short if the Guide is strictly followed

[Mr. T. K. Velu Pillai.]

I do not know whether we will be justified in suspending the rules and interfering with the discretion of the High Court to make suitable arrangements for the speedy disposal of the cases. We shall be taking a very serious responsibility if we interfere with that, because they will say that they will not be responsible for the delay in the disposal of cases.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I have got an ancient right, a statutory privilege, to lend my most emphatic support to the resolution, because, if you look over the records of the proceedings of this Council, it will be seen that in the budget discussion of 1097, I raised the question, and I referred to the attempt to produce a Civil Procedure Code as a kind of electric inspiration to generate the current to kill a fly. I am referring to this expression to carry home to my friends on the other side of the House, that the apprehensions then entertained have more than happened. The litigant world, the hapless clients and helpless vakils are in a state of amazement, in a condition of bewilderment; for, a new planet has shot into the ken, and the planet is—it is not even a planet, it is a comet—which can be described by the vernacular translation *Dhûmakêtu*, (*laughter*) so that we do not know what we are to do.

Mr. P. K. Narayana Pillai has raised a very important question regarding the language of the court. The explanation that has been offered by Mr. Subba Aiyar is far from convincing. In a country inhabited by educated people, who talk a particular language—or one or two languages—that the vernacular should be always kept in a position of subordination is a proposition which cannot commend itself to me particularly, so far as the proceedings before the courts of law are concerned. I am for extending the scope of vernaculars in this matter. I am one of those who go to the extent of saying that even the arguments of vakils may be in Malayalam, because the clients may have a chance to correct the vakil if the vakil has not studied the facts of the case sufficiently well. I am certainly in favour of English, but not for its being made the language in a subordinate court of law.

The affidavit causes difficulties to all manner of people. Mr. Subba Aiyar, though he opposed the resolution, has conceded that an affidavit can be easily manufactured. If the party is unable to appear he has only to send a telegram, and Mr. Subba Aiyar expects the vakil to find out some person before whom the affidavit may be sworn, as though the vakils or their clerks have motor cars arranged for them to find out some person who would attest that affidavit. My friend was not hitherto put to the necessity of getting an affidavit filed in a court; but I am sure that, considering the extensive and lucrative practice he has, he will be put to the necessity of having affidavits filed any number of times before he leaves the profession. It is difficult, Sir, to get affidavits recorded because a low petty officer will insist on some baksheesh, (*laughter*) some kind of consideration, at least a bland-

ishment, an entreaty made for the time being by the vakil or his clerk, because he has under the act to request in all humility, in order that the affidavit may have to be forthcoming.

There is a difficulty on the other side—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Have not the members of this Council power to attest affidavits?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am just referring to it. The members of the Council, as has been suggested by my friend, have got the power. Sir, the Travancore Government has given privileges to non-officials. But this privilege, *viz.*, to put a member of this Council in the same category with a head clerk in the Munsiff's Court (*laughter*) is not, so far as the members of this Council are concerned, a pleasing spectacle. They have done it, Sir, as a sop to non-official opinion. And a busy member of this Council who may have his own profession or, if he is an official, who may have his departmental duties, will find it impossible for him to do any business when parties or vakils or vakils' clerks and all manner of people come to them with a telegram which is sent from Todupuzha, as the Law Member put it, to have affidavits sworn before him. The only object will be to put a premium on perjury. It is not insisted that the vakil should put in an affidavit. Any kind of clerk, first rate or third rate, is enough. Something must appear, something must be sworn and a little ink should be spilt on paper and there must be a signature; so that all the advantages that Mr. Subba Aiyar expects of the system are really absent. My friend Mr. Ramakrishna Pillai put a very pertinent question, whether Mr. Subba Aiyar had any knowledge of the number of affidavits that are filed in courts. Sir, I can testify to the circumstance that whole reams of paper are consumed in this enterprise. Mr. Hodgson who is an eminent authority on literature will vouch for the accuracy of what I say when I refer to the controversy between Professor Salmatius and Milton. Milton in order to teach the Professor a good lesson said that the writings that the Professor had produced were fit to be taken to the fish market to pack fish. So this kind of affidavit is absolutely useless. It is troublesome, it will encumber the records, it will entail on this Council the necessity to spend more money, because every court will ask for new almirahs when this is the case. I submit that the question requires reconsideration.

Mr. Subba Aiyar said that the number of new provisions was small. But he knows that if we add one ounce of strichnine to a tumbler full of water, even though the tumbler may be completely filled with water, the people who drink it will die. So, in the same way, these small provisions are creating so much trouble and that argument also fails.

The arguments that have been advanced on this side of the House have not been answered. They are raised in every part of the country and they require examination. No doubt, we do not question the good faith of the High Court. Probably they might have thought it useful, but we have demonstrated that that view of the High Court is not quite right and the matter requires reconsideration.

[Mr. K. Paramesvaran Pillai.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I have great pleasure in supporting the resolution. You might remember, Sir, that at the time when the principle of the Civil Procedure Code was being discussed in this House, the members on this side of the House were unanimous in expressing the apprehension that, if the power of making orders and rules were given to the High Court, it might create hardship. Our apprehensions in that respect have been more than justified by the procedure that the High Court have taken now in having brought into practice the *Civil Courts' Guide* without giving the people an opportunity of expressing their opinion upon the matter. Probably we had agreed to the principle of civil courts legislation being adopted wholesale. We should have added only a few sections of the Civil Procedure Code which form a substantial portion of it and the rest would have been very often altered by the High Court without inviting any public criticism on them. Now, Sir, so far as the present *Civil Courts' Guide* is concerned, from the attitude of those members of the Council who belong to the Bar who are present here, you will see that they are almost uniform in their opinion that there are several provisions in the *Civil Courts' Guide* which work hardship upon the practising lawyers and the litigant public. I am quite surprised to find—knowing as we do some of the provisions of the *Civil Courts' Guide*—that Mr. Subba Aiyar should stand up and oppose the resolution. Probably I say it is his unfortunate position to-day that makes him stand up to oppose the resolution instead of supporting it. If, on the other hand, he had been on this side of the House, I have no doubt that he would have led the opposition to the *Civil Courts' Guide* to-day.

In answering some of the objections raised to the *Civil Courts' Guide* Mr. Subba Aiyar said that it has been provided—that the rule that every application for adjournment should be accompanied by an affidavit has been introduced in the *Civil Courts' Guide*—only to prevent applications for adjournment being put in without any proper ground. He also said that the High Court wanted to prevent people from filing affidavits for the purpose of getting adjournment alone. Well, I submit, if that is the object of the High Court, I think that object will be defeated, because, so far as those who malinger are concerned, they can easily find out somebody before whom to swear an affidavit and apply for an adjournment, and they will easily succeed in getting an affidavit. The difficulty will come in with regard to those people who would not malinger but who are actually in need of an adjournment because they are really sick, and the difficulty of getting affidavits sworn will be in their case very difficult. Mr. Velu Pillai pointed out that that would be another source of corruption in the subordinate service, because, in mofussil stations, you can rarely get very respectable people before whom to swear affidavits. People will probably have to go to the head clerk of the Munsiff's Court who will charge a fee for every affidavit

sworn before him, and it will be a source of profit to him and a source of corruption in the lower rungs of the department. Of course, Mr. Subba Aiyar was finding fault with the speakers on this side of the House for not pointing out all those provisions of the *Civil Courts' Guide* which worked hardship. As Mr. Narayana Pillai said, if we are only to detail all the difficulties, it will be simply taking up the whole of the time of the Council. Suffice it to say that it has been our actual experience that the Guide has been found to work hardship. Therefore, that is sufficient reason for stating that the provisions of the Guide should not be brought into actual practice till the Civil Procedure Code Bill is passed into law. As the time is up, I do not want to say anything more on this subject. I heartily support the proposition.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, Mr. Subba Aiyar has easily said that if a party is unable to appear at a particular date for his case and if he informs his vakil of his inability, the vakil has to put in an affidavit into the court to that effect and the adjournment of the case is easily got. But I think I can bring to the notice of Mr. Subba Aiyar rule 9 of the *Civil Courts' Guide* which says:

> "The party filing an affidavit intended to be ready in support of the application shall give not less than 2 days' notice thereof to other parties who shall be entitled to inspect and obtain copies of the same and to file counter affidavits, shall give notice therefore to the applicant who may inspect and obtain copies of the same and file affidavits in reply."

So a party who puts in an application along with an affidavit for the adjournment of a particular case has to satisfy the requirements of all these formalities. Accordingly, if he wants another adjournment he has to do the same. But, on the other hand, Mr. Subba Aiyar has been telling us that this affidavit is necessary for cutting short a number of adjournments in these courts. Similarly Sir, if we go through a different section of the *Civil Courts' Guide*, we are very much handicapped and there are very many rules in this which cause real hardship. Suppose I get a *vakkalat* from a Nambudiri who resides in British Cochin or in a foreign country asking me to apply for money. Of course, for a vakil to apply for money deposited in court belonging to the party, he has to undergo very many difficulties. Certain sections in this Guide authorise a vakil to get the payment of the money deposited in court on behalf of his party, but a curious incident I shall point out in regard to a schedule attached to the *Civil Courts' Guide*. Of course, it prescribes form No. 31 in which the application for payment of money put into court has to be signed. Many details have to be entered in this form. So the vakil applies for the money and this form has to be signed for the party who resides in British India or in British Cochin or in any other country. Very many difficulties of this nature occur in the *Civil Courts' Guide*, and, as Mr. Paramesvaran Pillai pointed out, it is not necessary to detail them here. So I fully support the resolution.

[Mr. C. Sankara Menon.]

MR. C. SANKARA MENON (*Quilon*): In supporting the resolution, I propose to confine myself to replying to some of the arguments advanced by Mr. Subba Aiyar. Mr. Subba Aiyar has observed that the opinions were obtained from the Bar Association as well. As a matter of fact it is true; but sufficient time was not given them to study these rules and submit their opinion. Many of the practical difficulties now found could have been avoided if some pleaders of the mofussil courts had also been consulted in the framing of these rules. They would be in a position, at any rate, to point out the practical difficulties and the High Court could have avoided much of the practical difficulties now found in the working of these rules.

I agree with Mr. Subba Aiyar in saying that many of the provisions are very necessary. In fact, there was no uniformity in the forms and procedure of civil courts and I think it is absolutely necessary to have a better form. If the members of the Bar also had been properly consulted in the matter there would have been no room for complaint. Mr. Subba Aiyar observed that all the opinions had been fully considered, and that two senior judges of the High Court were engaged in the preparation of this Guide. If that be so, it seems to me that the work could have been done at a much less cost. I have carefully read all the provisions and I know that the rules were taken from the Madras Civil Rules of Practice.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know how many years of practice Mr. Sankara Menon has put in since he became a standing vakil in the profession?

MR. C. SANKARA MENON (*Quilon*): Twenty-one years of practice.

Another observation of Mr. Subba Aiyar was that, owing to the vigorous working of the rules, vakils find difficulty in getting adjournment of cases. I believe, Mr. Subba Aiyar himself knows that no rules of practice could overcome the ingenuity of vakils (*laughter*) and therefore these rules cannot serve that purpose.

Another argument of Mr. Subba Aiyar was that the High Court would say that the Council was interfering with them and that they were not responsible for the delay in the administration of justice. That is a threat which ought not to deter this Council from doing its duty. (*Hear, hear.*)

If efficient officers had been appointed for the discharge of duties, I think all this delay could have been avoided. The delay is due more to the inefficiency of the judiciary than to anything else. I know they very often accuse vakils of contributing to the delay in the disposal of cases. As the rules of procedure stand, a vakil cannot protract a case for any indefinite length of time if the officer knows his duty well.

The chief difficulty now is due to the want of a Malayalam translation of these rules. Many of the papers to be presented to a court will have to be attended to by vakils' clerks, and, if the translation of these rules is not available, the vakils themselves will have to attend to these things, for which they cannot find time. As it is, Vakils have to devote their attention more to this than to the study of their case. If a Malayalam translation is available, these difficulties could have been avoided. Before the rules were brought into operation, a Malayalam translation of them should have been furnished, and some time should have been given so that the vakils and their clerks might become familiar with the rules. Therefore, I have great pleasure in supporting this resolution.

MR. JOSEPH PANJIKARAN (*Shertallai*) : I move for a closure.

MR. M. N. PILLAI (*Trivandrum*) : I second the motion.

The motion for closure was put and carried.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : Sir, I introduced this resolution because I found that the operation of the new *Civil Courts' Guide* was creating a lot of difficulties to all parties concerned and I am not convinced by the arguments of the learned Law Member that, if this *Civil Courts' Guide* is suspended, the High Court will find it very difficult to dispose of cases. The learned Law Member was telling us that the new *Civil Courts' Guide* consists of circulars which have already existed before and only very few additions or amendments have been made. I submit that, without these very few amendments and additions, the High Court will be able to carry on the work with the circulars which already exist. Moreover, the Law Member was telling us that the High Court took eight months for making these few additions and amendments, and he was advancing it as an argument for accepting the *Civil Courts' Guide.*

Then, another argument he advanced was that almost all the provisions were incorporated in the new *Civil Courts' Guide* with a view to expedite work in the civil courts. But so far as the working of the new *Civil Courts' Guide* is concerned, I think it is only hindering work or producing more delay; and these points were sufficiently explained by Mr. T. K. Velu Pillai.

I referred to only two or three points in the *Civil Courts' Guide.* I never took this House to be a Select Committee to discuss all the difficulties arising from the working of the *Civil Courts' Guide.* I simply pointed out that there were some difficulties, and I pointed out only certain glaring difficulties of the litigant public. Because I referred only to certain difficulties, it should not be understood that there are not others at all caused by this *Civil Courts' Guide.*

Then another point which was raised was that the public were not given an opportunity to discuss the rules, and the reply given by the Law Member was that circulars are not generally published for the criticism of the public. I submit there is a difference between the circulars which he mentioned and the *Civil Courts' Guide.* The circular

[Mr. V. Subba Aiyar.]

are generally issued piecemeal and periodically and not in a book form. They are codified in a book form and issued. That was what was done with regard to the High Court circulars. Now, the *Civil Courts' Guide* is a series of rules and it is not a circular. So the argument which he advanced with regard to circulars cannot be reasonably applied to the publication of the *Civil Courts' Guide*. I don't find that all the points which I have raised are answered by the learned Law Member. So I press the motion to a division.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I have already explained the situation. Mr. C. P. Kochukunju Pillai confronted me with quoting a rule. That rule is intended only to cases where an adjournment application has to be made. That does not interfere with the proposition that I laid down.

As for the other point, *i.e.*, if the practical working of any particular rule is found to cause serious hardship to the litigant public, to the vakil, the vakil's clerk or anybody else, if that is pointed out to the High Court, they will be glad to rectify it as far as possible. I do not know whether it would be advisable to suspend the operation of the whole civil rules of practice, because the operation of some of the rules here and there, according to some, would be objectionable. Mr. Sankara Menon said that a good portion of it was acceptable. There is no finality in these matters. If any practical inconvenience is caused, certainly, that is a matter to be placed before the High Court as they are the authority to repeal it. It may be —

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I know whether there is any particular difficulty in postponing the application of these rules?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes; because the rules have come into force from the 1st Vrischikam. If we suspend it, the old rules are not revived.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will not the old rules remain?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The new rules have come into force.

Anyhow no necessity has been made out as to whether it is necessary to suspend the whole thing—

MR. JOSEPH PANJIKARAN (*Shertallai*): Is anybody bound to attest an affidavit although he may have the privilege to do so?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Officers are bound to attest it.

MR. JOSEPH PANJIKARAN (*Shertallai*): Will you kindly quote the Regulation under which the officers are bound to do so?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I cannot do so now.

MR. P. K. NARAYANA PILLAI: (*Ambalapuzha*): For the information of the House, I shall—

PRESIDENT: You are not in possession of the House, and so you cannot give your opinion.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is it lawful for the officer to get some remuneration for attesting affidavits?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think —

MR. JOSEPH PANJIKARAN (*Shertallai*): What I ask is, is there any statutory duty on any officer that he should attest affidavits? Is it now lawful on his part to claim some remuneration for attesting affidavits?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): People other than officers may attest it. Officers in the headquarters will be in a position to attest affidavits.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is there any Regulation or rule by statute?

PRESIDENT: That is his opinion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Is Mr. Subba Aiyar aware that the present *Civil Courts' Guide* imposes certain duties on His Highness the Maha Raja? (*Laughter.*)

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not aware of that.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*) Does not the *Civil Courts' Guide* use the expression "His Highness the Maha Raja shall appoint the Judges"? (*Laughter.*)

PRESIDENT: I shall put this resolution to the vote of the House.

The resolution was put to the vote and was carried, 24 voting *for* and 15 *against*.

PRESIDENT: The next resolution is in the name of Mr. Tariatu Kunjitomman and runs as follows:

"Appointment of a Committee to Enquire into the Conduct of Government Officers.

MR. TARIATU KUNJITOMMAN:

This Council recommends to the Government that a Committee consisting of a non-official majority be appointed to enquire whether officers are causing hardships to the people by taking bribes or showing communal partiality in the discharge of their official duties and, if so, to propose the necessary remedial measures."

This should be deemed to have been withdrawn since he is absent,

The Council adjourned at 5-24 P. M. *sine die.*

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Wednesday the 4th June, 1924.

(OFFICIAL REPORT.)

The Council assembled in the Victoria Jubilee Town Hall at Eleven Thirty-six of the Clock, the President presiding.

NEW MEMBERS.

The following members were sworn in under Rule 20 of the Legislative Council Electoral Rules :—

Mr. J. Stephenson, B. SC. (*Ag. Director of Public Instruction*).
Mr. S. T. Ponnuswami Pillai, L. M. & S. (*Surgeon in charge*).
Mr. R. K. Krishna Pillai, B. A. (*Ag. Commissioner of Police*).
Mr. P. T. Thomas (*Kottayam*).

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Tamil Certificate holders in Malayalam Schools.

202. MR. T. LAKSHMANA PILLAI (*Nominated*): Will the Government be pleased to state how many Tamil School Leaving Certificate holders and Tamil Higher Grade Elementary School Certificate holders are employed in the Malayalam schools of the State ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Four Vernacular (Tamil) School Leaving Certificate holders and six Vernacular (Tamil) Higher Certificate holders are employed in departmental Malayalam schools.

Malayalam Certificate holders in Tamil Schools.

203. MR. T. LAKSHMANA PILLAI (*Nominated*): Will the Government be pleased to state how many Malayalam School Leaving

[Mr. R. Krishna Pillai.]

Certificate holders and Malayalam Higher Grade Elementary School Certificate holders are employed in the Tamil schools of the State?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Forty-one Vernacular (Malayalam) School Leaving Certificate holders and three Vernacular (Malayalam) Higher Certificate holders are employed in departmental Tamil schools.

Surrender of Sannads by Vakils on accepting Office.

204. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In view of Sections 13, 14 and 22 of the Vakils Regulation, will the Government be pleased to make enquiries and state whether, in the case of legal practitioners accepting service under Government, *sannads* have been invariably surrendered to the courts in which they were practising?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is reported that *sannads* are not being surrendered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know why the Government have not insisted upon the surrender of the *sannads* of those persons who have reverted to the bar after retirement?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government will request the High Court to enquire into the matter.

Fresh Sannads to retired Officers reverting to the Bar.

205. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the case of retired officers who have reverted to the bar on retirement, will the Government be pleased to state whether fresh *sannads* have been taken or whether old *sannads* not delivered up on entering service are utilised for practising as vakils?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Fresh *sannads* have not been taken by these retired officers. They are practising under the old *sannads.*

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have the Government or those concerned in the granting of *sannads* considered the legality of allowing retired officers joining the bar to use their old *sannads.*

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have had no occasion to consider the legality of the question. As I stated, the attention of the High Court will be invited to the matter.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have the Government asked the High Court to consider the legality of the procedure in the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government will invite the attention of the High Court.

Building and Furniture Grants to Private Schools.

206. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (1) Does the Education Department give building and furniture grants to private institutions?

(2) Are there any data for the award of such grants and, if so, what?

(3) How many times have the above grants been awarded to the Holy Angels' Convent, and St. Joseph's High School, Trivandrum, and what was the amount awarded on each occasion?

(4) Have any building or furniture grants been awarded to the Hindu Mahila Mandiram, Trivandrum?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) Yes.

(2) The member is referred to Rules 146 (*b*) and (*d*), 148, 149, 152 and 153 of the Education Code.

(3) Statement of grants made.

Year.	Nature of grant.	Amount.		
		Rs.	ch.	c.
Holy Angels' Convent English High School for Girls, Trivandrum.				
1087	Furniture grant.	245	11	6
1089	Do.	234	14	2
1097	Do.	600	0	0
1090	Building grant.	3,550	0	0
1097	Do.	6,440	0	0
St. Joseph's English High School, Trivandrum.				
1080	Building grant.	7,045	0	0
1086	Furniture grant.	347	0	0
1089	Do.	619	0	0

(4) The answer is in the negative.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the the Government be pleased to state why they did not award such grants to the Hindu Mahila Mandiram?

PRESIDENT: Will you please repeat the question?

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): *Vide* part (4) of the question. Will the Government be pleased to state why they did not award such grants to the Hindu Mahila Mandiram?

[Mr. R. Krishna Pillai.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That assumes that an application for furniture and building grants was made by the Mahila Mandiram, about which Government have no information.

Revenue Work in the Edavakai Pakuthies of Chirayinkil Taluk.

207. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*) : (*a*) With reference to the nine *pakuthies* of the Chirayinkil taluk in which Government do not collect public revenue, will the Government be pleased to state:

(1) whether the unassessed waste lands in the above *pakuthies* have not been surveyed and demarcated as *pandaravakai* waste lands;

(2) whether any *puduval* registry has been effected with respect to these lands since the last Settlement, and, if so, by whom the applications have been enquired into and the registry effected; and

(3) whether the authorities who dispose of these applications are the Tahsildars or the *Sripadam* authorities, and, if the latter, whether they are empowered to do so?

(*b*) Are the Government aware that the *Sripadam* authorities and the Kilimanur *Edavakai* unauthorisedly collect land revenue without issuing *pattahs*?

(*c*) Will the Government be pleased to remedy the said evil through the local Peishkar?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) (1) No. The unassessed waste lands are surveyed and demarcated as *poramboke, tharisu* or *kadutharisu.*

(2) Yes. This work is attended to exclusively by the authorities of the Kilimanur *Edavakai* or the *Sripadam*, as the case may be.

(3) This item of work is not attended to by the Tahsildar. The *Sripadam* or the Kilimanur *Edavakai* authorities, as the case may be, are attending to it as usual. They have not been empowered by the Government to do so.

(*b*) The answer is in the negative.

(*c*) The assignment of waste lands within *Edavakais* is a matter of arrangement between the holder of the lands and the *Edavakai* authorities, and it does not call for any interference from the Government.

Appointments in the High Court.

208. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state the names of the High Court Registrar, the Deputy Registrar, the Manager, the Indexer and the Head Clerk of the High Court?

(*b*) Were these appointments not made on the recommendation of the Chief Justice?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Registrar—	Mr.	P. N. Sitarama Aiyar B. A., B. L.
Deputy Registrar—	,,	P. Tandu Aiyar. (on leave.)
	,,	P. S. Kuppuswami Aiyar (Acting).
Manager—	,,	P. S. Kuppuswami Aiyar B. A., B. L. (on other duty.)
	,,	T. S. Appattura Aiyar B. A. (Acting).
Indexer—	,,	M. Raman Menon B. A., B. L. (on other duty).
	,,	N. Harihara Aiyar B. A., B. L. (Acting). (on other duty).
	,,	T. Kuttikrishna Menon B.A., B.L. (Acting).
Filing Clerk (Head Clerk)—	,,	T. S. Appattura Aiyar B. A. (on other duty).
	,,	R. Gopala Aiyangar (Acting).

(*b*) Yes.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether there were no non-Brahmin claimants for the place at the time of the appointment, and, if so, why the claims of those people were overlooked?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

Abkari Farming System.

209. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether they are not aware of the large volume of public opinion against the farming out of certain taluks in respect of arrack and toddy as a monopoly to one person?

(*b*) Are they not aware that such practice entails loss on Government and gives room for corruption on a large scale?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) and (*b*) The farming system has been given up, except in the Devicolam taluk where peculiar conditions prevail.

Complaints re. Quality of Salt.

210. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether they have received petitions from the people of Quilon and Alleppey regarding the bad quality of salt supplied from the middle of 1098, and, if so, what action they have taken thereon?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer to the first part of the question is in the negative. In view of this, the second part of the question does not arise.

Supply of Salt.

211. MR. M. N. PILLAI (*Trivandrum*): (*a*) Is it a fact that the Excise Commissioner reported to the Government that Mr. Subrahmanya Karayalar should be ordered to supply superior salt and that the selling price of the salt already stocked should be reduced by four annas at the contractor's risk?

(*b*) If so, what was the action taken by the Government on the recommendation of the Excise Commissioner?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) In view of the answer to part (*a*), this does not arise.

STATEMENTS LAID ON THE TABLE.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, under Rule 52 of the Legislative Council Rules, I beg to place on the table the following statement of expenditure authorised by the Government under Section 16 (9) of the Legislative Council Regulation, II of 1097.

	Amount Rs.	Remarks.
Demand XI—Police	240	For the pay of one second class constable and three fourth class constables temporarily added to the Trivandrum District Police in connection with plague duty at Aramboly with effect from 10-6-1099.
Demand XV—Medical Department.	90	Additionally sanctioned to meet the expenditure in the Devicolam Division in connection with plague preventive measures.
Demand XXII—Miscellaneous items.	2,000	For expenses in connection with the Redeemer Enquiry Committee.
Demand XXIII Loan.	40,000	To meet the additional demand for the issue of the second instalment of the loan granted already as per agreements.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Sir, with reference to the answer given to question No. 4 (*d*) asked by Mr. A. Govinda Menon *re.* acting clerks and copyists in Revenue Offices, at the meeting of the Council held on the 29th October, 1923, a statement containing the information is laid on the table (*vide* statement attached).

Castewar list of appointments made in the Kottayam Division in the staff of copyists and clerks, since the re-organisation of the Land Revenue Department on 1st Chingam 1098.

No.	Name of Office.	Nature of vacancy.		Name of person appointed.	Class to which the person appointed belongs.	Whether the person appointed was declared a supernumerary at the time of the reorganisation.	Whether the person appointed had any acting appointment prior to the date of reorganisation.	Qualifications.	Remarks.
		Clerk or copyist.	Pay.						
1	Division Assistant's Office, Kottayam ...	Clerk	20	P. M. Matthew	Christian	Yes	No	English Middle School	Permanent.
2	Stationary Magistrate's Court, Shertallai ...	Copyist	15	Padmanabha Pillai	Nair	Yes	No	*Nil.*	Do.
3	Stationary Magistrate's Court, Ettumanur ...	Do.	15	C. M. Matthew	Christian	No	No	S. S. L. C, Examination	Acting.
4	Division Cutcherry, Kottayam ...	Clerk	20	T. G. Ayyappan Pillai	Nair	Yes	Yes	Middle School	Do.
5	Taluk Office, Todupuzha ...	Copyist	15	Joseph	Christian	No	No	S. S. L. C. Examination	Do.
6	Do. ..	Clerk	20	A. D. Matthew	Do.	No	No	Do.	Do.
7	Division Assistant's Office, Kottayam ..	Copyist	15	I. C. Cherian	Do.	No	No	Do.	Do.
8	Division Cutcherry, Kottayam ...	Clerk	25	V. C. Kuruvila	Do.	No	No	B. A.	Do.
9	Division Assistant's Office, Kottayam ...	Copyist	15	M. Sankunni Panikkar	Nair	No	Yes	*Nil.*	Ag. He is a disbanded Revenue Copyist.
10	Taluk Office, Changanachery ...	Clerk	20	Padmanabhan Nair	Do.	No	No	S. S. L. C. Examination	Acting.
11	Division Assistant's Office, Perumpavur ...	Copyist	15	P. Ittyerah	Christian	No	No	Do.	Do.
12	Do. ...	Clerk	20	S. Sankara Pillai	Nair	No	Yes	Do.	Do.
13	Do. ...	Copyist	15	G. Sankara Pillai.	Do.	No	Yes	V. S. L. Examination	Do.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND II—TAXES ON INCOME.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Sir, I beg to move for a grant not exceeding Rs. 1,504 under Demand II—Taxes on Income. As you will observe, the amount is required for two purposes—partly for the purchase of some commentaries on the Income Tax Regulation for the use of our collectors and partly for the payment of fees to the Sirkar Vakils for arguing cases before me on behalf of the Sirkar. As regards the purchase of books on income tax for the use of collectors, I do not think that there is any necessity for me to make a long speech to convince this House of the need for reference books to those who administer law, and especially to those who have to work the Income Tax Regulation. The income tax law is a very difficult and complicated piece of legislation. It has been newly introduced in our State. Many fresh questions of law and also of procedure crop up for decision every day, and they have to be decided judicially. Any incorrect interpretation of a provision of this intricate law is bound to result either in the loss of revenue legitimately due to the Government or in oppression to the public.

Unlike other branches of law, it is very difficult to get at decided cases on income tax. Only very few cases are taken to the High Courts of British India, England or the Colonies; and consequently reported cases on income tax are necessarily very few.

I may say that I am glad to note that complaints about the working of the Income Tax Regulation are becoming very much less owing to the fact that officers are becoming more acquainted with the income tax law, and such complaints as I have received this year are generally due entirely to ignorance and not wilful arbitrary acts; and if collectors had only been supplied with commentaries before this, a lot of these complaints would not have occurred. We want to work the Regulation with as much tact as possible, and also with as little inconvenience to the public as possible.

To guide the collectors in their very difficult work of working the income tax rules and deciding appeals, it was my original proposal to put into the hands of all our income tax officers two important recent publications (Commentaries on the Government of India Act, XI of 1922, by the late Mr. P. Doraswami Aiyangar and by Mr. A V. Visvanatha Sastri) The former costs about Rs. 12 to Rs. 15 and the latter costs Rs. 6.

I think our financial position this year may not permit us to purchase these two books for the collectors all at once, and therefore the present proposal is to purchase only one book (the commentary by Mr. Doraswami Aiyangar). The book has been prepared with the decided object that it should be of use to income tax officials. It contains all the rules issued by the Board of Inland Revenue with copious extracts from the proceedings of the Legislative Assembly and of the Council of

State, relating to income tax. The author has also embodied in the work almost all the English and Indian decided cases having any bearing on the provisions of the Act.

I firmly believe that the book will be of immense use to the income tax officers of the State and consequent benefit to the public and request that the Council will whole-heartedly sanction the supplementary grant demanded on this account.

We now turn to the second portion of my request, *viz.*, remuneration to Sirkar Vakils appearing before the Income Tax Commissioner.

I shall, at the outset, frankly place before the House the circumstances which necessitated the appearance of the Sirkar Vakils before me in certain income tax cases.

Ever since it pleased the Government of His Highness the Maha Raja to appoint me Income Tax Commissioner, and to confer on me the duties of the chief revenue authority, it has been my sincere wish to work the Income Tax Regulation smoothly and at the same time efficiently. When deciding appeals or review petitions under the Act, I have tried to be always dispassionate. I desired to hear every case without any bias either in favour of the Government or against it. The gravity of the position has been brought home to me day after day. Learned lawyers appeared for assessees. Legal opinion from experts, solicitors and chartered accountants from England and other parts of the world were freely laid before me to prove—to put it mildly—that our collectors, just beginning to understand the principles and practice of Income Tax Law, were not acting in accordance with the law. At the same time assessees are at full liberty to try and get all the concessions and exemptions they can.

I recognised only too well the responsibility of a "tribunal whose duty it was to mete out justice." I must act judicially. To be brief, I found it difficult to be both the Crown Advocate and the Judge.

In this connection I would invite the attention of the House to a portion of the speech delivered at the last budget session of the Council by Mr. T. K. Velu Pillai, who is also a member of the Finance Committee. He said:

"I have observed, however, on several occasions the Income Tax Commissioner labouring under a serious disadvantage, when qualified competent Vakils, who are very familiar with the facts of the case, appear before him on behalf of assessees. The Income Tax Commissioner does not get a presentation of the point of view of Government from anybody; so that he has to be a judge and a party at the same time. I think some means could and should be found by which the rights of the Government might be properly represented before the Income Tax Commissioner when he deals with important questions."

I may here inform the House that in Mysore provision is made for the Crown to be represented by the Sirkar Vakil or, as he is called there, "the Government Advocate." His salary is Rs. 500 to Rs. 700 and he is allowed extra fees for income tax cases.

Accordingly I moved the Government to depute a competent Sirkar Vakil to appear and argue income tax cases before me.

[Mr. Joseph Panjikaran.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know from Mr. Robinson whether the appearance of Sirkar Vakils was solicited under appeals arising under Sections 21 and 22 of the Income Tax Regulation.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not see the applicability of the question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is only a request for information.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not only under those Sections.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): For appeals, under what other Section was the Sirkar Vakil requested to appear?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Section 22 deals with the hearing of petitions.

PRESIDENT: What does Section 21 deal with?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Presentation of appeal petitions.

PRESIDENT: Presumably under that Section.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Only under that Section?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): No.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will he specify any other Section?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I want a little time for answering that question.

It was found that according to their contract with the Government the Assistants attached to the Head Sirkar Vakil's office are only expected to appear in certain particular courts and not outside. Sirkar Vakils are not full-time officers of Government. Their emoluments are fixed on a valuation of the services they render to the Government. They are employed to do all Government work of the kind entrusted to them in particular courts. They are not expected to, nor need they render service elsewhere than in the particular court to which they are attached. If they are required to do such work, it is extra work that they are called upon to perform, and they have the right to claim separate remuneration for it; and if not agreed upon, they are not bound to accept the work. These are the terms and understanding under which the Sirkar Vakils have accepted office. The result is that, if a Sirkar Vakil is asked to appear in an income tax case, he will have to be given separate remuneration.

MR. JOSEPH PANJIKARAN (*Shertallai*): Who is to fix the remuneration to be given to the Sirkar Vakil for each case?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I presume, the Government.

MR. JOSEPH PANJIKARAN (*Shertallai*): Not the Commissioner, I believe?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): No.

I may also inform this House of the views of the Assistant Head Sirkar Vakils themselves on the question. They say that they are quite contented with their private practice and the Government work now entrusted to them, and pray that they should not be saddled with this additional work of income tax, even on payment of remuneration..

PRESIDENT: May I draw your attention to the time?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I may here add, and I am sure those members on the other side of the House who belong to the legal profession will quite agree with me, that we should retain one man for all Sirkar cases.

Under the above circumstances, Government sanctioned the deputation of an Assistant Head Sirkar Vakil to argue before me *important and intricate cases*—I may emphasise the words *important* and *intricate* —and not as a matter of course. His remuneration was proposed to be Rs. 75 per case but subsequently cut down by the Government and fixed at only S. Rs. 50 for each case, irrespective of the number of appearances he may be required to put in for any particular case. It was proposed to try this scheme for some time. Mr. Sundararaja Aiyangar's services have already, prior to my application to the Government for this grant, been required for ten cases and he will have to be given Rs. 500. He has, however, since applying for the above grant, appeared in another important case relating to the liability of Edappalli to pay income tax. I may also add that, when several cases raise one and the same point, he is only asked to appear in one case, and by degrees, as all these points are raised and disposed of, his services will be less required. He had to spend a great deal of time in not only going through the records of these cases from each collector's office, but also in finding out rulings on the points from various courts all over the world. Each of the important income tax cases takes up a gigantic space of a man's time.

The House has also accepted the principles of the scheme. I request the House to consider all these facts and not to stint this expenditure but to sanction the demand in whole. It will cost the country and taxpayer very much more if we have to engage a separate vakil for the Crown in income tax cases exclusively.

An objection that may perhaps be brought against this proposal is that Section 50 of the Income Tax Regulation empowers the chief revenue authority to refer doubtful cases to the High Court, and that, therefore, when a doubt presents itself to the Commissioner, the case may be sent to the High Court. I would point out that a Judge when taking up a case has to start with an absolutely open mind, and he can

[Mr. P. K. Narayana Pillai.]

only come to a decision after hearing the *pros* and *cons* of the case argued out. It is only after hearing the case that doubts may arise, and it is only then that the question of reference to the High Court comes in.

In the argument stage of the case, the Crown should be properly represented, and the Judge should not be forced to look for objections in the arguments of one side. We also constantly need legal advice in matters which are not connected with an appeal. It has also to be noted that it is not every question of doubt that may be taken to the High Court. The Section says that, if in the course of any assessment under the Income Tax Regulation or any proceeding in connection therewith a question has arisen with reference to the interpretation of any of the provisions of the Regulation or any rules thereunder, the same may be referred to the High Court. Such questions have to be referred and I do refer them to the High Court; but other questions, both of law and fact, crop up not only in the disposal of appeals, but in the administration of the department, on which it is necessary to have legal opinion before one can impartially decide the matter. I think the best and cheapest arrangement for the Crown and the taxpayer under the circumstances is the one already followed. I can also assure the House that, if the Government could possibly avoid giving extra remuneration, they would have done so. Government try and get all the work possible out of their officers and I am sure the House will, after hearing what I said, agree with me. I therefore request that the Council will grant the demand.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether, if the Sirkar Vakil appears before the Dewan Peishkar, he will be paid.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): They have not appeared hitherto. I do not think it is necessary to answer that question because the grant refers only to the payment of fees to Sirkar Vakils appearing before me.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether, if a Sirkar Vakil appears before the Dewan in revenue cases,—

PRESIDENT: There is no analogy between revenue cases and income tax cases.

MR. A. HOOGEWERF (*Nominated*): In income tax as well as revenue cases—

PRESIDENT: That is not relevant to this question.

May I take it that the House sanctions this supplementary grant?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to oppose the demand.

The demand in question comprises two heads. The first, about which the Land Revenue Commissioner was more sanguine, relates to

the supply of books to income tax officers. What the Land Revenue Commissioner proposes to supply to his subordinates is the commentary not upon the Income Tax Act parallel to what we have got in Travancore, but the commentary on a subsequent modified Income Tax Act that now prevails in British India.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Narayana Pillai whether he has appeared in any income tax case?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, I have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commisioner*): May I ask whether he has made use of Mr. Doraswami Aiyangar's commentary?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do use all available books on the subject.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Then why does he object to the use of Mr. Doraswami Aiyangar's commentary on the British Indian Act?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am not insisting that it should not be used. If only the Income Tax Commissioner will be good enough to listen to me, he will find the point of my objection.

In view of the amended British Indian Act upon the subject of income tax, it was suggested in this House that there was a necessity to amend the law in practice and bring it into line with the law in British India. The commentaries referred to by Mr. Robinson being commentaries on up-to-date law in British India, if they are placed in the hands of the subordinate officers here, I fear there is a likelihood of their confounding that law with the existing law in Travancore.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know whether there are any points of difference between the two laws?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There are numerous points of difference.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know what they are?

PRESIDENT: You cannot ask him to enumerate all the differences.

MR. S. C. H. ROBINSON (*Lnnd Revenue and Income Tax Commissioer*): May I have the chief points?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The officers in the subordinate ranks are likely to confound the law.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Are not the officers and the subordinate collectors that Mr. Narayana Pillai refers to, men with long magisterial experience, and why should they confound and mix up the law?

[Mr. P. K. Narayana Pillai.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If they are such clear-headed people, even with the bare Act, they are not likely to lead themselves to any ridiculous position. Evidently the insistence of Mr. Robinson raised an apprehension in my mind that, without the assistance and the light of a commentary, the subordinates could not get on with the income tax administration. The provisions of the Income Tax law are clear on this. It was his urging the necessity of the Income Tax Act commentaries that created the trouble in my mind that these people, with the assistance of commentaries, would misdirect themselves on various points, and I thought it better not to supply a commentary of an Act not in operation in Travancore. I would, therefore, request Mr. Robinson to wait and see that the Income Tax Regulation is brought into line with the income tax law in British India, and then to supply the commentary to his subordinates, and not to call for a supplementary grant at this stage of income tax administration in Travancore. This is all that I have to say with regard to the first part.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know whether he has perused these commentaries?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, I have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Has he found out that these commentaries point out the differences between the old and the new law?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They may.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I know if he has read Mr. Doraswami Aiyangar's commentary?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have not read Mr. Doraswami Aiyangar's commentary, but I have read Mr. Visvanatha Aiyar's commentary.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does he not point out the differences?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, he does. He quotes also the parallels in other countries, so much so that the bewilderment is sufficient to confound our income tax officers. That is my apprehension.

Coming to the second part of the question, I find it betrays not only a difficulty to concede the grant, but also an illegal practice resorted to by the Land Revenue Commissioner. For, referring to Sections 21 and 22 of the Income Tax Regulation, which are the two main Sections under which appeals may be presented to the Income Tax Commissioner, we may say that there is absolutely no provision made in those Sections to hear the Government view on the subject. All that two Sections demand is that the petitions presented by the persons assessed should be disposed of by the Income Tax Commissioner.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Since the law does not provide for hearing them in person, is there any objection to receive petitions from them?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): You can hear the arguments in person.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not in the interests of justice?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The interests of justice have to be kept in view by the Income Tax Commissioner alone.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Can we get justice by hearing only one side?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If the law says that is the sort of justice to be given, then that is justice.

MR. S. C H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does the law say that the officer should hear only one side?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The law provides under Sections 21 and 22—

PRESIDENT: The law does not prohibit the other side being heard.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If it does not prohibit it, it would have contemplated the issue of notices to the other side, the adjournment of the case, etc. We do not see all these provided for.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask whether Mr. P. K. Narayana Pillai was in the Legislative Council when this Act was passed?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am really sorry I was not; if I were, I would have pointed out the difficulty.

Since the law does not countenance or provide for it, it is not obligatory on the officer to hear the opposite side. There are various Statutes like that. For example, under the Land Acquisition Regulation, it is not obligatory on the officer to hear the opposite side. The law invests the officer who hears the appeals with authority to do the needful in the matter. He represents the Government and he is also the judge as regards the assessing. Such being the case, if the Land Revenue Commissioner has thought of resorting to hear extraneous arguments, it is an illegal practice which should be put a stop to at the earliest possible opportunity. In pursuance of that illegal practice, Mr. Robinson wants also that some money should be given to those persons who have been indulging in such illegal practice. It is extremely difficult to concede the grant called for, as the Assistant Sirkar Vakil or Head Sirkar Vakil certainly ought to have known the law and seen that Mr. Robinson's notice was drawn to the law upon the subject. So it is extremely difficult for this House

[Mr. P. K. Narayana Pillai.]

to be persuaded to concede the grant so earnestly and seriously moved by Mr. Robinson. I am submitting whether, after all, the decisions themselves which have been passed after hearing the Sirkar Vakils have been legally arrived at. That is a question which has yet to be examined. So far as the law as codified in the Income Tax Regulation goes, no whisper may be seen as to the necessity of hearing any other party than the assessee. No doubt, the arguments of the Sirkar Vakil would have been of considerable use to Mr. Robinson. He probably would have been quite a good judge himself without those arguments. My experience, as I think is the experience of Mr. Velu Pillai, is that he is a very fair judge, and I am fully willing to concur in the view of Mr. Velu Pillai. So I am submitting that, even without the arguments of the Head Sirkar Vakil, who has been conniving at this illegality, Mr. Robinson would have been able to decide.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask whether he is right in placing a judicial officer in the position of having to judge without hearing both sides?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The Land Revenue Commissioner decides a number of cases without hearing the Sirkar.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I think I drew a difference between simple cases and intricate cases.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That may be. A number of cases have been disposed of by the Land Revenue Commissioner without hearing the opposite side. He could certainly have written to the Sirkar Vakil for the necessary legal instruction.

Then with respect to the position of Mr. Robinson as a judicial officer, he is a judicial officer of a peculiar variety. He is not a judicial officer like the one under the Civil Procedure Code or the Criminal Procedure Code, but under a fiscal law. We have got, for example, the Revenue Recovery Regulation, and the Land Acquisition Regulation. They are modelled upon a different basis. The Government trust to the fairness of the officer. The decision of the officer cannot be questioned by the Government themselves. In like manner it must be with the Income Tax Regulation. An appeal by the assessee alone could be provided for.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Does Mr. P. K. Narayana Pillai think that, because there is no provision for an appeal by the Government, the Government should not be properly and fairly represented, so that the views of the Government may not be lost in coming to a decision?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It may be necessary to hear the Government. But let him provide for that in an amended regulation. Till then, how is it possible for Mr. Robinson to

hear the arguments of the Government? The objection is that there is no provision of law. The proceedings are controlled by the Income Tax Regulation and nothing else. Such being the case, he should not have heard the arguments of any person under the proceedings before him; and to say that such person should also be paid for this illegal act is adding insult to injury. So I am opposing the grant on these considerations.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I just want to reply to Mr. P. K. Narayana Pillai because he said that Mr. Robinson was encouraging an illegal practice, and the Head Sirkar Vakil was conniving at it. I may point out to Mr. Narayana Pillai that the Income Tax Commissioner, when hearing an appeal, is a judicial officer.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Also a revenue officer.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): At the time of hearing the appeal, he is a judicial officer, just as a Dewan Peishkar is a judicial officer when he is a Magistrate. When he, as a judicial officer, exercises the function, I believe it is an elementary principle of law that he should administer justice. The case being between the Crown and the assessee, if the assessee places his arguments for being exempted from a particular liability for payment of income tax, it is equally incumbent upon the Crown to say that the person is liable. Therefore, apart from any other provision of law, I say that it is the inherent power of any court to hear both parties, and that inherent power has not been taken away by any provision of the Regulation. In such circumstances, the rule that will ordinarily apply is that a thing should be deemed to be permitted unless it is prohibited by Statute. I may point out to him the analogy of the Criminal Procedure Code. If we turn over the leaves of the Criminal Procedure Code, we will find that the District Magistrate is not bound to give notice to the complainant. The complainant need be given notice only in compoundable cases and what are known as summons cases. In all other cases, he is not bound to give notice. Mr. Narayana Pillai knows that every complainant engages a vakil; and my friend Mr. Narayana Pillai might have himself appeared before a District Magistrate in many such cases. He might have found that the District Magistrate hears both sides before he disposes of an appeal.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether provisions as to appeals in the Criminal Procedure Code are parallel to the provisions in the Income Tax Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The question is whether the person who has been successful in the lower court should be heard. The principle is the same, *viz.*, that the complainant is heard. In a warrant case before the District Magistrate, both sides are heard and that practice has not been objected to by the High Court. I do not see what illegality there is. I do not think that there is any question for the Head Sirkar Vakil to give his legal opinion as

[Mr. T. K. Velu Pillai.]

regards the practice of Mr. Robinson as Land Revenue Commissioner. That is the only ground taken by Mr. Narayana Pillai for objecting to the grant, and I believe that the illegality is not apparent.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am glad that the Income Tax Commissioner has realised the necessity for purchasing necessary books for the use of his subordinates. In 1097, when we were discussing the budget for 1098, I had occasion to observe that the sum of Rs. 100 budgeted for the Land Revenue Department was too small; and, therefore, I am particularly happy that the Revenue Department recognises the necessity for providing officers with suitable books. But I am sorry to observe that the Income Tax Commissioner is unwilling to ask for a larger amount, though he recognises the necessity of purchasing a sufficient number of copies of another book. I may tell you, Sir, that I consider the Travancore Government rich enough to buy books. And if for the reason that our financial position is not strong—a statement which is not true—if for that reason, books are not given to the officers, I think the Government cannot congratulate themselves. A few hundreds of rupees must always be found for the purchase of books which are considered necessary by the Head of the Department. I am, therefore, sorry that I cannot congratulate Mr. Robinson on his modest demand.

Mr. Narayana Pillai raised the point that, after all, Mr. Doraswami Aiyangar's book might not be useful in Travancore, because our law of income tax collection is different in certain essential particulars from the law which obtains in British India. All the same, the parallel cases collected in that book will be of great use; and because the Income Tax Regulation is worked by experienced officers—Magistrates and Tahsildars—I think they will be able to use Mr. Doraswami Aiyangar's book very well. My only complaint is that the other book referred to by Mr. Robinson should not also have been indented for. I hope the mistake will be rectified at least at the time of the budget. One point, however, strikes me. How has it been possible for the officers hitherto to work the Income Tax Regulation if they have no knowledge of the Regulation and no reference books to consult?

PRESIDENT: They must have been borrowing books from their vakil friends. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a very good explanation. But it is well known that only those living in the town of Trivandrum and the District court centres that will get these books. In other places they cannot find good law libraries. I fear these officers of the Income Tax Department have been working the law in the way they like. I am glad that the mistake is about to be rectified.

With regard to the second part of the demand, which is for an amount to be disbursed to the law officers of Government for appearing before the Income Tax Commissioner on behalf of the Sirkar, I beg to

point out that the amount cannot be granted. I admit that I raised the point during the time of the budget, and I adhere to what I said then. And there I differ from my friend Mr. Narayana Pillai. I think that, when the assessee is given the right, at least by usuage, to put his case before the Income Tax Commissioner by a vakil, it is equally necessary—

MR. JOSEPH PANJIKARAN (*Shertallai*): Is it only by usage?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, by law and usage.

That there should be another vakil to represent the Government. The Income Tax Commissioner is, after all, only a revenue officer of Government. He has to take care of Government interests also in deciding questions raised by the parties. Any omission to do this will be ultimately to the detriment of the people.

MR. JOSEPH PANJIKARAN (*Shertallai*): Are the Government interests allied to injustice?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am sorry my friend has misunderstood me. I do not think that the interests of Government can be allied to injustice. All that I said was that, if an officer decided a case, his vision to a very great extent would be clouded, if to a certain extent he was a party and to a certain extent he was a judge.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will the Land Revenue Commissioner cease to take care of Government interests if a vakil is employed?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a question which has to be asked of the Land Revenue Commissioner. I shall not be in order if I answer it. But, of course, I may draw certain conjectures. But my conjectures will not answer my friend. Therefore I shall not answer. I leave it to Mr. Robinson.

The proposal is that the Sirkar Vakil who is in the employ of the Government be given a fee. I quite appreciate the argument that the terms of the appointment of these officers do not constrain them to do of what this. But, being Government servants, they will take a reasonable view the Government ask them to do. We find the work of officers in other departments being added to by Government. And officers do not, therefore, say that, because such work was not in the original agreements between themselves and the Government, they would not do it. I have not come across any instance of that kind. I think the sense of duty of the Sirkar Vakils will induce them to accept the new position given to them by the Government; so that it is a very simple matter to request them—a mild request would be enough—to look to these matters also.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask Mr. Velu Pillai whether Law Lecturers are not Government servants?

[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): No.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): And whether they may be asked to appear in income tax cases?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am really sorry for my learned friend who cannot find a distinction between the words Law Lecturer and Sirkar Vakil. I am a Law Professor myself and if the University insists that a new subject should be added to the curriculum, I shall be most happy to teach it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the class?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes. Therefore I must say that, as I am not a servant of Government, and as my function is not to appear for Government in Courts, it is quite open to me to refuse, and I think Mr. Subba Aiyar will not raise that point again. But if I were a Sirkar Vakil like my friend Mr. Subba Aiyar and if I had been receiving payment from the Government of Travancore for a number of years, I should certainly not refuse to work. The parallel suggested is not correct and I must only express my surprise at the false analogy that has been pushed before the Council by no less a lawyer than Mr. Subba Aiyar. If the terms of agreement are not adequate, the Government have only to address the Sirkar Vakils on this question and request them that they may look after these cases also. It has been said that the Sirkar Vakils will put forward the plea that they should not be asked to do this. It is usual for some officers in the Travancore Government service to be glad if they have got nothing to do, so that, for the simple reason that they prefer to be left alone, the Council ought not to—

PRESIDENT: They said that they would be glad to be left alone, even if remuneration were offered.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a very ingenious argument advanced by a lawyer. Probably they have reasons to think that this Council will not grant the demand. Therefore, in order to forestall us they might have said that, and they might have said that as an emphatic way of showing their disapproval.

PRESIDENT: Your suggestion has been adopted by Government and there is the answer.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes. But the answer is not satisfactory. It is not reasonable. If a Sirkar Vakil is asked to go to the General Hospital and inspect the patients, he may refuse, but not when he is asked to appear in a case for the Sirkar before the Income Tax Commissioner whose office is in the same building as the High Court; and it is well-known that the Head Sirkar Vakil and the Assistant Sirkar Vakils are not groaning under too much work. I take full responsibility for saying that. I think, Sir, that

they will not be overworked if they have to appear before the Income Tax Commissioner.

PRESIDENT: You forget that they are not full-time officers of Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I quite see that argument. It is for that reason that I said that the agreements might be modified.

MR. A. HOOGEWERF (*Nominated*): I also oppose the motion. My first objection is the financial aspect of the question. While we are using the axe all round, I do not think we should add to our financial burdens. Fifty rupees has to be paid to the Sirkar Vakil if he is to appear before the Commissioner in one case.

My second objection is that, if the Revenue Commissioner should have a Sirkar Vakil to-day to direct him and help him and so on, to-morrow the Conservator of Forests and the Excise Commissioner who also have to deal with fiscal cases may ask the Sirkar Vakil to help them.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Hoogewerf whether they are acting judicially when they are dealing with a case?

MR. A. HOOGEWERF (*Nominated*): *Quasi*-judicially. The fiscal cases are decided by the Government. Revenue cases are different from civil or criminal cases. There, the judge sits with a clean mind absolutely, and the prosecution side and the defence side argue the case; everything is put before the judge or the magistrate. But the revenue officer has the whole file before him, chapter and verse, and it passes through, as Mr. Robinson himself has said, several strata—the Tahsildar, the Dewan Peishkar,—and at the last stage it comes to him. Further, it has two other stages. If he has any difficulty, he has only to refer to the Sirkar Vakil to clear his doubts. I am not quite sure about the income tax law. I do not know whether there is not even an appeal to the Dewan himself.

PRESIDENT: There is none.

MR. A. HOOGEWERF (*Nominated*): Whatever it is, as said by Mr. Robinson, the cases may be referred to the High Court, so that there is no difficulty.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Hoogewerf what Section he quotes for saying this?

MR. A. HOOGEWERF (*Nominated*): Mr. Robinson himself has been mentioning the Section. I caught the idea from what he said. (*Laughter.*) I believe it is Section 50 or 21. I knew nothing about it before. All difficult cases may be referred to the High Court. Then there is no difficulty whatever, and if the Sirkar Vakil comes before the Revenue Commissioner to help him, he will go slack. If he wants the Sirkar Vakil to put the case before him, he will not learn up the file properly. He represents the other side. He learns up the whole case

[Mr. M. R. Madhava Variar.]

and is in a position to see both sides of it, if he keeps an open mind. To the vakil or the party who comes before him, he may be able to stand up both as a judge and as a representative of the Sirkar in the case.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): May I ask Mr. Hoogewerf whether he is talking from experience or whether he presumes?

MR. A. HOOGEWERF (*Nominated*): I talk from common sense. (*Laughter.*)

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Common sense based upon what?

MR. A. HOOGEWERF (*Nominated*): Based on sound thinking. (*Laughter.*)

PRESIDENT: The time is up.

MR. A. HOOGEWERF (*Nominated*): If the Revenue Commissioner wants a Sirkar Vakil to appear, the Dewan Peishkar also will require him to appear when he has to deal with a case. For all these things and—I have got a great deal more to say, but the time is up—I strongly oppose the motion.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I too oppose the demand; and I do so on two grounds. Firstly, I agree with Mr. P. K. Narayana Pillai in thinking that the Income Tax Commissioner is not empowered by the Regulation to hear Sirkar Vakils under Sections 21 and 22. Secondly, even if he has got the power to hear Sirkar Vakils, it is not fair to pay any additional remuneration to the Sirkar Vakils who are already receiving remuneration from the Government, for representing the Government. Mr. Robinson was saying that, when he was confronted with complex questions of fact and law, he had necessarily to hear Sirkar Vakils for the ends of justice. But Section 20 of the Income Tax Regulation says that, when the collector has determined any sum to be payable by an assessee, the assessee can object to the amount or rate at which he is assessed and put in a petition to the Income Tax Commissioner. When he is putting in a petition to the Income Tax Commissioner objecting to the amount or rate at which he is assessed, I think the Income Tax Commissioner will not be confronted with many complex questions of facts. Even if facts are a little complicated, I think his subordinates will be able to enlighten him with regard to those facts more than the Sirkar Vakils.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Suppose a person lives in the Tinnevelly District and he is assessed to income tax in Trivandrum, will there not be a question of law with respect to some aspects of his liability?

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): First of all, I am referring to questions of fact.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Are not questions of law and fact intimately connected ?

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : Yes. When the Income Tax Commissioner has got any doubts with regard to questions of law, he can refer the matter to the High Court. The Income Tax Commissioner is expected to study the Income Tax Regulation very well and he will have doubts and difficulties only very rarely ; and when he has got them, he can refer the matter to the High Court for the interpretation of the Rules and the Regulation.

Mr. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : When does the question of doubt come in ? Is it not *after* hearing the case ?

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): After understanding the case.

Mr. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Before we come to an understanding, should we not be in possession of arguments for both sides ?

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : He must be able to understand the whole case, the facts and the law, and if he feels any doubt with regard to the interpretation of any rule, he must refer the matter.

Mr. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*) : Does not a question of doubt often arise only after hearing the case, and when it is a question of how to decide ?

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : I think the doubt may arise when the petitioner has not represented the matter fairly.

Mr. S. C. H ROBINSON (*Land Revenue and Income Tax Commissioner*) : Is the Commissioner not allowed to have any doubts about the rights of Government ?

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) : He is an officer of Government and he is expected to know the rights of Government also. There will not be many complex questions of fact ; and even if there are complex questions of law, they must be settled by the High Court. If he decides any question by hearing the legal opinions of the Sirkar Vakils, they may not be fair. People will have more confidence in the opinions of the High Court than the legal opinion of the Sirkar Vakils.

Then with regard to the second point, whether any additional remuneration is to be paid to the Sirkar Vakils, I am practically of the opinion that it should not be paid. Recently a custom has cropped up in the Head Sirkar Vakil's Department that, when vakils are deputed in certain cases, they are paid additional remuneration, and Mr. Robinson said that the Head Sirkar Vakil and the Sirkar Vakils were not full-time servants.

[Rao Bahadur K. A. Krishna Aiyangar.]

PRESIDENT: By way of correction, I may point out to you that the practice is not recent.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It may not be recent; but it was not general in the past.

PRESIDENT: That is a different matter.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): It is not recent but is only general in certain cases, when the Government have been pleased to pay additional remuneration to certain individuals. And even if it is not recent, I say that a general rule should not be allowed to continue when the Sirkar Vakils are paid decently. So I oppose the demand.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I must decline to believe that my friend Mr. Narayana Pillai was serious when he opposed the grant for the purchase of books. He based his objection on the ground that books, if supplied, were likely to confound the collectors who had to deal with the claims urged by the assessees before them. If that argument is really sound, I wish very much he could put it into practice himself and once for all stop the practice of getting down valuable commentaries (*laughter*)—English, Indian and American. If this House is going to accept that theory as having anything at the bottom of it,—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Have all the income tax officers got the necessary legal training?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That is just the reason why they must be supplied with suitable reference books, so that they may at least study.

I take it, Sir, that the High Court is manned by a number of judicial experts who have had considerable experience in sifting facts, and in elucidating complicated questions of facts and law. Yet we think it necessary to supply the High Court with a very costly library. The law officers of the Crown are provided with a very costly law library. Each practising member of the bar thinks that, if he is to do his duty well and satisfactorily, he must arm himself with commentaries not merely on the Statutes that are now in force but unrepealed Statutes also so that, as a student of law, he might have an analysis, as it were, of the different stages and the circumstances which led to the various legislative changes. So, if this House is going to accept my friend's contention, once for all we can do away with all grants for the supply of books to the High Court and to the different departments which are to administer justice, putting into their hands a copy of the unrepealed Regulations. There we should stop. Probably as one who has been very long in the profession and who necessarily feels the burden of it, I should wish very much that towards the fag end of one's life at the bar one is not called upon to wade through a number of reports—Indian, English and American—and that for the sake of the practitioner the

Judge be required to dispose of it by reading the bare enactment that the legislature issues. It is, therefore, I said that I must decline to believe that my friend was very serious when he objected to that particular book.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My suggestion was that it should be done at a proper time.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There I agree with him. But, is it an argument for not rectifying the omission that the book should have been supplied earlier, ever since the officers were required to do work under the Income Tax Regulation? So, as I submitted, I must decline to believe, even if my friend is going to contradict me, that he was very serious when he objected to the supply of books to the officers who have to do their duty at considerable disadvantage, without that guidance and support which an intelligent and responsible bar often-times places at the disposal of the deciding officer.

Sir, I would just submit that, if this demand is to be put to the vote, it would be desirable to split it up into two parts and to take votes on each item separately.

Passing on to the second item, I wish very much that the House will accept the views put forward by my friends that Sirkar Vakils need not appear before the Income Tax Officer (*Hear, hear*); only the consequence will be something very disastrous. I know one instance in which the Government had to pay Rs. 50 to the Sirkar Vakil. That Sirkar Vakil appeared and pressed the case on behalf of the Government. Another gentleman of the bar of considerable standing appeared on behalf of the other side and he got Rs. 500 from his client. He lost the case and the Sirkar won it and the cost to Government if it resorted to employing such men would come to several thousands of rupees. This House certainly is not the body to determine the legality of the practice under which Sirkar Vakils appear before the Income Tax Commissioner; and this House will be taking up a very serious responsibility on itself if it comes to the conclusion that the practice of deputing Sirkar Vakils is illegal---as I understand the word, something that is prohibited by law being illegal. I am not aware of any legal prohibition in this matter. It is not a question on which the House is to come to a conclusion by comparing the relative merits of the arguments put forward by my friend and myself; I go further and say that this House is not the authority to question the legality of deputing Sirkar Vakils. This House is competent to consider the desirability of asking the Sirkar Vakils to appear before the commissioner as a question of policy and expediency.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether the case that he referred to is an important case—Rs. 500 *versus* Rs. 50—and whether it was that that decided the case in favour of the Government?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Yes. As a member of the bar I believe proper presentation influences the result a good deal, and consistent with that

[Rao Bahadur K. A. Krishna Aiyangar.]

view, I should take it that the Sirkar won it because there was a trained lawyer to place the legal aspects of a complicated question before the Commissioner enabling him to arrive at what he considered to be a sound conclusion. I should not be understood as suggesting that the questions urged are always sound. We have to assume that they are sound. I take it that, in that particular case, it was to the advantage of the general tax-payer that a considerable addition was made to the revenue under "Taxes on Income" by the accident of a particular Sirkar Vakil having been deputed to place before the deciding authority the particular aspect of a certain question. I have very great sympathy with Mr. Robinson when he piteously appeals to this House: "Am I not a Judge? Am I to form conclusions in advance?" But unfortunately the spirit of legislation in dealing with matters fiscal seems to be to vest a certain amount of arbitrary power under a judicial cloak in revenue officers for the speedy administration of revenue. That, I suppose, is the situation in respect of revenue laws generally. Mr. Robinson will fall under that category. It is no doubt desirable, if it is not illegal, if it is not prohibited by Statute that, whenever the Revenue Commissioner feels the necessity for the help of a trained lawyer to represent any particular view of a case, the Government should give him the necessary assistance.

As regards the more general question whether Sirkar Vakils ought to do the work without asking for any remuneration, or whether the Sirkar Vakils should do it as part of their work, I submit it raises a very broad question. Some friends, no doubt, said that they were not full-time public servants, and the analogy of a particular executive officer being asked to do the very same work for the very same remuneration even though there might be an increase in the number of files he had to dispose of, would not apply to the case of Sirkar Vakils. Are all of us prepared to recognise the correctness of the plea that was put forward? Then, my friend Mr. Velu Pillai appealed to their sense of patriotism to do the work out of love of country.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not say that.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I understood my friend to say that, if they were properly approached, they would be willing to do the work. I have no quarrel with that. If my friends who are members of the Council are prepared to do the work free of remuneration, I should welcome it and thank them for doing so much service to the State without sending in a bill for payment. That necessarily assumes that new understandings have to be arrived at with the Sirkar Vakils under which, rightly or wrongly, once for all, they must undertake to do all the legal work of Government and not ask Government for extra payment. It is a matter of understanding and I have no doubt that that suggestion of my friend will be borne in mind when recruiting Sirkar Vakils in

future. But with reference to the work done already, I take it that it is a matter of engagement. Having got the work out of one who is not bound to do it and having had the benefit of it, in fairness the particular demand laid before the Council by Mr. Robinson should be acceeded to without further controversy.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I rise to oppose that portion of the demand which refers to the payment of Sirkar Vakils for appearing before the Income Tax Commissioner. It appears to me that it is quite unnecessary to pay Sirkar Vakils if they are to appear before the Income Tax Commissioner. Supposing Mr. Robinson takes up an income tax case and sends it for the opinion of the Sirkar Vakil, the Sirkar Vakil is certainly bound to give his opinion. Supposing again under the provision of the Income Tax Regulation, Mr. Robinson referred the case in which he required the assistance of the Sirkar Vakil to the High Court, the Sirkar Vakil would be required to appear before the High Court. If that is so, I ask what difference it makes in the work of the Sirkar Vakil. If, instead of answering references or appearing in the High Court, he is asked by Mr. Robinson to appear before himself and to render such assistance as he is capable of, it makes no difference. Then probably it is a question of the dignity of a Sirkar Vakil. I do not think that it is such as should be paid for when he is required to appear before the Income Tax Commissioner.

Another ground upon which I object to this grant is that it is repeatedly suggested in this House that there are more Sirkar Vakils than are necessary for the work they are required to do. If that is so, it should be possible for Government to depute one of the Assistant Sirkar Vakils to do such miscellaneous work as arguing Income Tax cases and so forth without additional payment and for that purpose he must be relieved of so much of other work in the High Court.

It has also been suggested that the terms of appointment of the Sirkar Vakil do not include appearances in other courts than in the High Court. The order of appointment is not placed before the House and I am yet to know of any covenant that the Government have entered into with the Sirkar Vakil by which he is compellable only to appear before the High Court and not bound to help the Government with his advice before other legal tribunals. Secondly, it appears to me that even granting that there is a covenant, there are more Sirkar Vakils than are needed. One may be dispensed with and another appointed on condition that he would appear not only in the High Court but also before the Income Tax Commissioner and other officers who require the assistance of Sirkar Vakils for revenue appeals before them. It is, therefore, quite unnecessary to spend the money of the tax-payer for the payment of fees to the Sirkar Vakils for such appearances.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): On what grounds does he say that the Sirkar Vakils have got spare time and have not sufficient work?

[President.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That has been expressed in this House last year during the budget session and it was also the general impression. It has not been answered yet.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Are there no grounds for making that statement?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I also, as a vakil, know what amount of work is being turned out by the Sirkar Vakils in the Court. The Head Sirkar Vakil and the Assistant Sirkar Vakils, of whom there are two, appear very rarely at the Court. All the Sirkar Vakils jointly do not turn out even as much work as an ordinary practitioner having average work does.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): But have they no other work, such as going through the records of many offices?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): They may have. I do not deny that they may have.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): In that case, is it fair to say that they have not got sufficient work?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): They have got sufficient spare time—that is my impression. A further objection taken is that the terms of their appointment do not include appearance outside.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): In the absence of specified terms, is it fair to say what they should do?

PRESIDENT: It is a matter of inference.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Government were asked for the covenant, and it was not placed before the Finance Committee.

On these grounds, I object to that part of the motion which has reference to the payment of vakils' fee.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): I do not think the matter requires anything more to be said. Mr. Krishna Aiyangar and Mr. Velu Pillai have put the matter very clearly. They have cut Mr. Narayana Pillai's arguments into pieces. (*Laughter.*) About the revising of the Income Tax Regulation—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the Income Tax Regulation is a self-contained Regulation?

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): Not in all respects.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I supported Mr. Robinson only with regard to a part of the demand.

PRESIDENT: He is not referring to that.

MR. S. C. H. ROBINSON (*Land Revenue and Income Tax Commissioner*): But he cut the other part of Mr. Narayana Pillai's arguments into pieces. I think the House has accepted the principle and the question is only a matter of contract or agreement. We should in fairness meet the obligations we have incurred. I think, in justice, the House will allow the grant.

With regard to the grant for the purchase of books, I may say that it is very necessary, and Mr. Krishna Aiyangar has also supported the same. I think the House will sanction the grant.

PRESIDENT: I am afraid it is not possible to split up the motion into two.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is a separate provision of Rs. 504 for purchase of books.

PRESIDENT: Then I shall place the two parts of this motion separately.

The question is that a sum of Rs. 504 be sanctioned for the purchase of forty-two copies of Mr. P. Doraswami Aiyangar's *Law of Income Tax* for use in the offices of the collectors of income tax.

The motion was carried.

PRESIDENT: The second part of the motion is that a sum of Rs. 1,000 be granted for payment to the Assistant Head Sirkar Vakils for their work in appearing before the Income Tax Commissioner for arguing difficult income tax cases.

The motion was declared carried, 20 voting *for* and 18 *against*.

MR. M. N. PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following result:—

AYES—20.

1. Mr. I. C. Chacko.	11. Mr. K. Paramesvaran Pillai. (*Ag. Director of Agriculture.*)
2. „ R. Dhanukoti Pillai.	12. „ S. Paramesvara Aiyar.
3. „ P. V. Daniel.	13. „ P. Paramesvaran.
4. „ K. George.	14. Dr. S. T. Ponnuswami Pillai.
5. Rao. Bahadur K. A. Krishna Aiyangar.	15. Mr. M. Raja Raja Varma.
6. Mr. R. K. Krishna Pillai.	16. Rao Bahadur K. V. Rangaswami Aiyangar.
7. „ R. Krishna Pillai.	17. Mr. S. C. H. Robinson.
8. „ T. Lakshmana Pillai.	18. „ J. Stephenson.
9. „ John Mackie.	19. „ V. Subba Aiyar.
10. „ K. V. Natesa Aiyar.	20. „ A. J. Van Ross.

[Mr. K. George.]

NOES—18.

1. Mr. L. R. Raja Raja Varma Koil Tampuran.
2. „ T. K. Velu Pillai.
3. „ P. T. Thomas.
4. „ N. Ramakrishna Pillai.
5. The Rev. Fr. Kuriakose Vettikkapalli.
6. Mr. M. R. Madhava Variar.
7. „ P. K. Narayana Pillai.
8. „ M. N. Pillai.
9. „ Joseph Panjikaran.
10. Mr. K. Paramesvaran Pillai. (*Tiruvalla.*)
11. „ T. Kumara Pillai.
12. „ V. Kunjukrishna Pillai.
13. „ C. P. Kochukunju Pillai.
14. „ M. K. Khadir Pillai.
15. „ A. Hoogewerf.
16. „ A. Govinda Menon.
17. „ T. M. Chidambaratanu Pillai.
18. „ S. Adam Sait.

The motion was declared carried.

DEMAND VII.—GENERAL ADMINISTRATION, SECRETARIAT, etc.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 5,000 for payment of travelling allowance to the non-official members of the Legislative Council. The allotment provided for the purpose in the year's budget was Rs. 12,000. Out of this, a portion, *viz.*, Rs. 3,356, was spent for payment of the bills of 1098 and the balance for payment of the bills of the current year, and thus the whole allotment has been exhausted. Including this, there will be two more meetings of the Council this year and the expenditure on account of travelling allowance to the non-official members in connection with these meetings is estimated at Rs. 5,000. Hence this amount has to be sanctioned as a supplementary grant.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I ask why the amount under "Travelling Allowance to members" was not correctly calculated at the time of the budget?

PRESIDENT: We have had a number of select committee meetings. Besides, we are having four meetings of the Council instead of three.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The revised estimate for 1098 was Rs. 17,000. If the additional sum of Rs. 5,000 now asked for is sanctioned, the total allotment will come to Rs. 17,000 only.

PRESIDENT: May I take it that the House sanctions the demand?

The grant was made.

DEMAND VIII.—GENERAL ADMINISTRATION, ACCOUNT OFFICE.

MR. K. GEORGE (*Financial Secretary to Government*): Sir, I beg to move for a grant not exceeding Rs. 750 under Demand VIII—General Administration—Account Office. This is to meet the pay

and travelling allowances of the special temporary staff consisting of one clerk on Rs. 40, one clerk on Rs. 25 and two peons on Rs. 9 each and one Assistant Account Officer who have been deputed for the detailed examination of the accounts of the Quilon Divisional Treasury. The circumstances under which the demand is made are, I believe, known to the members. Some time ago, certain discrepancies of a serious nature were brought to the notice of the Account Department, and at that time I deputed an Assistant Account Officer, Mr. Nilakanta Pillai, to make a special inspection of that treasury. It was found by an inspection that not only were there discrepancies but something more serious with that treasury. It was found that there were certain defalcations and it was therefore deemed necessary that a thorough and a detailed examination of the treasury should be made; and so Government decided that the accounts of the treasury for the nineteen months beginning with Chingam 1098, during which period the late Treasury Officer, Mr. K. Sankaranarayana Aiyar, was in charge of the Treasury, should be gone into. The demand is made with a view to meet the cost of the special establishment that has been deputed for the purpose.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know whether these accounts are being periodically examined by Dewan Peishkars?

MR. K. GEORGE (*Financial Secretary to Government*): They make half-yearly inspections of the treasury. But, if the matter is gone into, it will be found that only by a detailed audit at the spot would defalcation be discovered. The Dewan Peishkars do make not only half-yearly inspections of the treasury, but they also examine the monthly cash balance of the treasury and send the accounts of receipts over their signature to the Account Officer. But that will not disclose a defalcation of the kind that has happened in the Quilon Treasury. As I have stated, it could be discovered only by a detailed and thorough scrutiny of the accounts of the treasury, which the Peishkars are not doing at present.

MR. A. HOOGEWERF (*Nominated*): May I know when the audit of this particular treasury was made by the Account Officer?

MR. K. GEORGE (*Financial Secretary to Government*): Every treasury account is sent to the Account Office and the detailed audit of expenditure is made by it. But the receipts are not audited either in my office or in the treasury, because the controlling officers are expected to audit the accounts of the receipts. So neither the Account Officer nor his Assistants make a detailed audit of the treasury accounts of receipts. The Account Officer inspects the accounts of the treasury only once in an year.

MR. A. HOOGEWERF (*Nominated*): May I know when the last inspection of this particular treasury was conducted by the Account Officer?

MR. K. GEORGE (*Financial Secretary to Government*): The last inspection of the Quilon treasury was made by an Assistant Account Officer in Karkadakam 1098.

[Mr. V. Subba Aiyar.]

PRESIDENT: May I take it that the House sanctions the demand?

The grant was made.

DEMAND IX.—ADMINISTRATION OF JUSTICE.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move for a grant not exceeding Rs. 2,350 under Demand IX—Administration of Justice. Sir, I believe this demand requires a little explanation, especially in view of the criticisms that were levelled against Mr. Robinson's demand. Unfortunately I belong to that unhappy lot of Sirkar Vakils whose work is very heavy and yet whose work is never appreciated.

In moving the demand, I will place before the House certain facts in order to disabuse the mind of the House of the false impressions that have crept in. In the first place, it is thought that Sirkar Vakils, especially those attached to the Head Sirkar Vakil's office—I include in that category myself and my assistants also—have not much work to attend to. And as an instance, Mr. K. Paramesvaran Pillai said that he knew the amount of work that the Assistant Sirkar Vakils had to do in the High Court. But even if that work alone is taken into consideration, it will be found that each of the two assistants attached to the Head Sirkar Vakil's office has got work before the High Court, day after day. That apart, I do not know whether my friend knows the inner working of the Head Sirkar Vakil's office.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I was referring only to their work in the High Court.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the first place, every written statement sent up has to be scrutinised by him.

MR. M. N. PILLAI (*Trivandrum*): May I know whether those Sirkar Vakils have not taken up private cases?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, They have. I am coming to that point.

This means he has to read all the papers in the case and prepare a long memorandum to be placed before the Head Sirkar Vakil and the Dewan and prepare written statements in English. It is one portion of their work. Then, in the second place, every sessions case, whether ending in conviction or acquittal, is sent up to them, and the two Assistant Head Sirkar Vakils divide the cases between themselves. They will have to go through the judgments and the necessary papers and see whether, in cases of acquittal, any interference is necessary by way of an appeal or in case of conviction anything is to be done. All these they have to do and to put up office notes. And further they have to prepare for the day's cases—civil, criminal, and even revision petitions—that are posted before the High Court. For all these, they are paid Rs. 250 a month!

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Subba Aiyar the number of appeals preferred by the Sirkar against the decision of the subordinate courts in 1098 in the High Court and decided in favour of the Sirkar?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I did not expect that question. I daresay it will be found in the statistical volume that is supplied year after year to the members. I have not got it just now.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know for how many hours the Assistant Head Sirkar Vakils are expected to do their work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): There is no time-limit. As a matter of fact, they have practically work every morning Even when they are not engaged and may find spare time, they have to come to office and have to attend to the work; so much so, that the work is tight and the salary of Rs. 250 paid to them cannot be said to be too much. I am really sorry that this objection should come from the members of the Bar, especially those who are high up in the profession and whose remuneration is very much more than what the Sirkar Vakil is paid. Anyhow, I may draw the attention of the House to one fact. Let us take the case of the Law Lecturers. They are allowed private practice and yet they are paid Rs. 175. I believe it is not more than one hour's work a day or five hours' work in a week and each of the Lecturers ordinarily lectures on the same subject. It is nothing of the kind so far as the Sirkar Vakils are concerned. Every case is new and every case has to be prepared, so that he has to work hard. It was once under consideration whether it would not be possible to give them a retaining fee and pay them for the work done. I was a Sirkar Vakil at that time. I gave all the figures, and the other Sirkar Vakils also. If a fee of ten or seven rupees—I do not remember the figure exactly but it was one half of the rate at which Sirkar Vakils are paid elsewhere—for every appearance in a sessions case and for every appearance in an appeal was fixed, it was found that a Sirkar Vakil would get on an average Rs. 500 or Rs. 600 a month. When that proposal went up before the Dewan, he said that it was better to drop it at once and the matter was therefore dropped. I know as a matter of fact that every case, whether difficult or small, is handled by the Assistant Head Sirkar Vakils very satisfactorily; and if you take the average emolument for the same, it will be very small for an appearance. So I do not think that this House will say that this is anything like satisfactory payment. They are not full-time officers. They are allowed private practice. My friend asked: "Where is the covenant?" In Travancore, as elsewhere, there is such a thing as usage. The Sirkar Vakil was always attached to a court and he was asked to serve there. He was not asked to go about to argue cases before the District Magistrate or the income tax officers. That is why I referred to the case of the Law Lecturer by way of analogy. That is by way of general remark. With reference to the quantity or quality

[Mr. V. Subba Aiyar.]

of the work done by the assistants, and the sufficiency of remuneration paid to them, they have been complaining bitterly that their emolument is very little when compared with the nature of their work. As for the Head Sirkar Vakil, I need only give the number of references sent up to them. It is over 600 every year. I know personally many references take many days before they are disposed of satisfactorily. You do not always find a suitable precedent for recording opinions; and unlike Mr. Robinson he has not got the help of a vakil to assist him. With reference to opinions, they are increasing in number, the more so, I may say without disparagement to the House, after the constitution of the new House, because every question is threshed out here and Government have to be satisfied that their action is legal. That being the case, this work has considerably increased and it is not possible for the Head Sirkar Vakil to attend to the work in court.

Coming to the question before the House, this payment was not made for work done elsewhere, but, in two of the cases, for work done in the High Court. I will place before the House the circumstances under which the payments have been made. Now, in the first place, I should point out that the Sirkar Vakils are paid Rs. 250 without any increment or grade. An Assistant Sirkar Vakil who begins with Rs. 250 will have to retire on Rs. 250 if he does not get any other appointment. What has happened is that, as usual, Rs. 3,000 was allotted as vakils' fee for the Head Sirkar Vakil's Department. The allotment is primarily intended for private engagement and also mainly for payment of vakils for defending the accused in criminal cases. This year a similar amount was provided and Rs. 2,350 therefrom has been spent. There was a very heavy case, the Punjar case, in which large interests of Government were involved.

MR. M. N. PILLAI (*Trivandrum*): Who conducted the case?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Head Sirkar Vakil was particularly asked to argue the case, as the case was important. Mr. Ananda Rao was then in charge of the department. But he took long leave, I believe, for eight months or so, and the case was an old one. The High Court would not adjourn the case. I was in charge of both offices and it was physically impossible for me to attend to the work in the two offices and also court work.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Subba Aiyar whether, during that week in which the Punjar case was argued, he argued any private case of his in the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not quite sure. If you give me the nature or number of the case, I will be able to—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Subba Aiyar whether Mr. Ananda Rao was on full-pay leave?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, full-pay leave. No substitute was appointed. I may say I was asked to attend to both offices and I was doing my level best to do my work. Mr. T. K. Velu Pillai put the question whether I did not attend to any private work. It may or may not be that I did. I do not remember. If he can give the cases—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I may tell him that I do not remember Mr. Subba Aiyar's cases unless he has appeared against me.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not remember. My friend knows that, even when I was in charge of my own office, my appearances in the High Court were very few; if at all I appeared, it was only occasionally.

MR. M. N. PILLAI (*Trivandrum*): How did Government sanction the leave to Mr. Ananda Rao when there was such a big case as this before the High Court?

PRESIDENT: That does not arise here.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He was entitled to the leave.

MR. M. N. PILLAI (*Trivandrum*): He was only unfit for conducting the Punjar case.

PRESIDENT: Need not be.

MR. M. N. PILLAI (*Trivandrum*): He was shirking his duty.

PRESIDENT: You cannot make any comment on the absence of the officer and the circumstances connected with it. The leave was granted to him. That matter does not arise here. You can interpellate Government or talk on it on a proper occasion.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As I said, it was not possible for me to do the work in both the offices and argue the Punjar case as I could not find the time for it. The High Court gave notice to the vakils to prepare the case. I could not find time to prepare the case for over a month and then argue the case. We did not know for how many days the case would last. So, I said it was not possible for me to attend to the case. So, the next senior Assistant was asked to attend to the work. I may say that, so far as my office is concerned, we have nothing to do with appearances in courts and I daresay my friends will appreciate that the work so far as my office is concerned is very taxing. It does not depend upon the number of hours you work.

That being an important case in which the Head Sirkar Vakil himself was asked to appear, it was thought desirable that one with sufficient practice and otherwise also well qualified should conduct the

[Mr. V. Subba Aiyar.]

case; and as the seniormost Assistant Head Sirkar Vakil, Mr. Sundararaja Aiyangar was asked to appear and argue the case, and therefore he had to be paid. So that this accounts for Rs. 1,500. This cannot be said to be too much, having regard the nature of the case, and the records of which were very voluminous and having regard to the fact that the maximum fee of 20,000 *fanams* was paid by the appellant on the appeal memo. I may say that the appellant's vakil should have been paid many thousands of rupees, if that would be of any interest to the House.

The second item is the payment of Rs. 400 to Mr. Bhaskara Menon for arguing a case in the High Court.

MR. M. N. PILLAI (*Trivandrum*): I wish to know whether it was not the legitimate duty of the Head Sirkar Vakil to appear in these cases—Punjar and other cases.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Legitimate in this sense that, being an important case, it was thought necessary that the Head Sirkar Vakil should appear in the case. The Head Sirkar Vakil himself could not appear and nobody on Rs. 500 was appointed when Mr. Ananda Row was on leave. Therefore the next best man and the seniormost among the Assistant Head Sirkar Vakils was asked to do the work.

MR. M. N. PILLAI (*Trivandrum*): Then he could have been paid the pay of the Head Sirkar Vakil.

PRESIDENT: That is an argument. You can only put a question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Then my friends were arguing that this was a waste of public funds. With reference to that, I may say that it is not a waste of public funds, because the Assistant Sirkar Vakil, who is temporarily engaged, may not be in a position to do justice to the case. The case, as I said, was a sensational one in the sense that it involved large interests and the party was at great pains to succeed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If he is paid extra sums, will he be able to cope with the work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I was answering Mr. M. N. Pillai's question: "Why not engage some other man"? If a private person had been asked to be in charge of that particular case, I do not think he would have accepted Rs. 250,—at any rate the sort of man that you want.

MR. M. N. PILLAI (*Trivandrum*): Supposing Mr. Ananda Rao was there during the time the case was taken up, would the Government have paid the same amount?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think he would have been entitled to any amount.

MR. M. N. PILLAI (*Trivandrum*) : Then it is a loss to the Government.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No; for those seven or eight months—the minimum pay of the Head Sirkar Vakil is Rs. 500—Government ought to have paid Rs. 4,000 if they had appointed a separate officer, and I believe they made a clear gain by the whole transaction, made me do a lot of work and paid Rs. 1,500 to Mr. Sundararaja Aiyangar, and did not appoint anybody when Mr. Ananda Rao took leave.

Then with reference to the other matter, *viz.*, that the Head Sirkar Vakil is not, as a matter of right, entitled to any remuneration for arguing a case—

MR. JOSEPH PANJIKARAN (*Shertallai*): Who was the gentleman who finally argued the case?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Mr. Sundararaja Aiyangar. He is attached to my office and was not bound to appear in that case.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is it so by covenant?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is the understanding.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is there any written covenant?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is the understanding.

MR. JOSEPH PANJIKARAN (*Shertallai*): When and where was the understanding arrived at?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So far as we are concerned, our office is confined to legislative work and to opinions, which may be required in regard to references sent to us.

MR. JOSEPH PANJIKARAN (*Shertallai*): I believe you have not understood my question. I want to know when and where the understanding that they need not appear in any case before courts was arrived at?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe this understanding has been in force ever since my appointment, which was seven or eight years ago.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you appeared in any case after that?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, and I have been paid.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you appeared in Sirkar cases?

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, and I have been paid. And I believe that this is the subject of one of the interpellations.

MR M. N. PILLAI (*Trivandrum*): There are two Assistants to Mr. Ananda Rao. May I know why neither of these persons was entrusted with the Punjar case?

PRESIDENT: That has been sufficiently explained.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Government considered that the Head Sirkar Vakil should himself conduct the case; and when they found that this was not possible, the next senior man was asked to do it.

MR. M. N. PILLAI (*Trivandrum*): Then, are not the others competent?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not say that they are incompetent. The interests of the case were such as to require the presence of the Head Sirkar Vakil; and, in his absence, the next best man was put in.

MR. M. N. PILLAI (*Trivandrum*): What was the result? Did the Government gain by appointing Mr. Sundararaja Aiyangar?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Mainly the appeal was dismissed with slight modifications.

MR. JOSEPH PANJIKARAN (*Shertallai*): I wish to know whether Mr. Sundararaja Aiyangar has full-time work in the office?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He is not a full-time officer. So far as his office work is concerned, it is considerably heavy.

MR. JOSEPH PANJIKARAN (*Shertallai*): Do you know whether he has accepted any private engagements to appear before the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. We are not supposed to be full-time officers and we can accept private work; and we do appear in private cases.

MR. JOSEPH PANJIKARAN (*Shertallai*): What is the number of hours during which he has to do office work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): We need not necessarily work in the office in the sense that we should attend office from 11 to 5. We do work both in the morning and in the evening. It depends upon the amount of work turned out. Bills may be drafted conveniently either in the morning or at night. That is the sort of test I have placed. I send a certain number of papers to him and he gets through them within a limited time appointed by me. He must do it whether in the morning or at night. I am not very particular when and where he does it.

MR. A. HOOGEWERF (*Nominated*) : How is it possible for Mr. Sundararaja Aiyangar to argue a case for the Sirkar when he is arguing his own case ?

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir,—

PRESIDENT: Mr. Hoogewerf is in possession of the House.

MR. A. HOOGEWERF (*Nominated*) : Mr. Subba Aiyar said that Mr. Sundararaja Aiyangar did not usually appear before the Court.

PRESIDENT: He did not say that. He himself does not appear before the High Court to conduct Sirkar cases.

MR. A. HOOGEWERF (*Nominated*) : When Mr. Sundararaja Aiyangar is engaged in his usual work, is he also attending to the other work?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, in the preparation of cases.

With reference to Mr. Bhaskara Menon, though it is practically work in the High Court and though, strictly speaking, he is not entitled to any remuneration, when any very heavy or taxing case or unusually important case is conducted, sometimes he is paid a bit *extra* ; but I may assure the House that it does not ordinarily take place. During the last ten years, Mr. Venkatarama Aiyar was paid a couple of hundred rupees for the counterfeit currency note case, and Mr. Sundararaja Aiyangar was paid a couple of hundred rupees for being engaged in a riot case.

MR. JOSEPH PANJIKARAN (*Shertallai*): In which year was it that Mr. Sundararaja Aiyangar was paid?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Seven or eight years ago.

MR. JOSEPH PANJIKARAN (*Shertallai*): There was nobody to question it then.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : And the preparation of the case and the arguments take a very long time. So also in a batch of counterfeit currency cases Mr. Bhaskara Menon was paid Rs. 400. That is not as a matter of right and is not by way of any remuneration that they are entitled to, but as a sort of appreciation or encouragement to the hard-working officer, *viz.*, when a particular case of unusual importance arises, he is paid something extra. As I said, during the last ten years, Mr. Venkatarama Aiyar was paid once, Mr. Sundararaja Aiyangar once and Mr. Bhaskara Menon twice. The amount of remuneration paid will not in the least be anything compared with the quantity of work. It is but a sort of appreciation of the work that was done.

Then, with reference to another item of payment *viz.*, the amount paid to Mr. Raghunatha Aiyangar. He was not a Sirkar Vakil but he was deputed to defend a case against Government servants. In all these cases, the necessity for payment was realised—on account of the deputation of Mr. Sundararaja Aiyangar in one case, the recognition of the work in the other case, and the engagement of Mr. Raghunatha

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Aiyangar in the third. As I said, the payment of a small honorarium to the Sirkar Vakils in cases of importance is a sort of appreciation and encouragement. The sum of Rs. 2,350 has been utilised for this purpose and, therefore, it is necessary that this sum should be recouped. As I said, the amount has been already paid. Usually in the last quarter of the year, there are likely to be very many engagements in Sessions Courts on behalf of the accused, and the vakils have to be paid. It is on that account that this demand is made.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, Mr. Subba Aiyar in his characteristic fashion has given us several arguments as to why this demand should be sanctioned. This demand raises a constitutional question of the utmost importance. A certain amount was ear-marked for a particular purpose. In the course of the year, a portion of that amount was diverted for purposes which were not in the contemplation of this Council at the time the budget was discussed. It was not considered necessary at the time of the budget discussion—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): All the other vakils' fees are paid out of the amount.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, I quite see that. This House did not consider the necessity of giving presents in recognition of the work of Sirkar Vakils. We sanctioned the amounts for the establishment of Sirkar Vakils. If it was put before this House that the Sirkar Vakils required occasional dribblets of the kind, of a few apples and pomegranates, this House would have come to a different conclusion; but without telling us that this was going to be done, the Sirkar Vakils' Department moved the Government and the Government sanctioned a certain sum of money to be paid to the Sirkar Vakils. That is a constitutional question of a very momentous kind and I trust that the mistake will not be repeated.

Mr. Subba Aiyar said that he belonged to that unfortunate class of people, *viz.*, Sirkar Vakils, whose work is not appreciated. I must demur to that statement. We appreciate the work of the Sirkar Vakils; but we consider that they are not doing adequate work. It is not a question of want of appreciation, but appreciation, of the right kind which has enabled me to make the statement that I have made. During the course of Mr. Subba Aiyar's argument, he has convinced the House—at any rate he has convinced me—that the work that the Sirkar Vakils have been doing is of a very partial kind. My friend said that the Sirkar Vakils scrutinised every written statement that was prepared to be submitted to the court. He did not tell us that they were scrutinising the plaints also, so that it is only 50 per cent. of the pleadings that are supervised in the Sirkar Vakils' Department.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Plaints are also scrutinised by them.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): My friend did not make mention of it. This will be borne out by the shorthand writers' notes.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Probably I omitted to mention it. The plaints are also prepared by them.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I have only argued from what he has said. If it was an omission, I would not pursue my arguments. I simply referred to it in order to show that my friend's argument is not correct. Anyhow, I was tempted to say that, because I am also one of those who, like Mr. Paramesvaran Pillai, think that the Sirkar Vakils are not doing more work than they can afford to do.

My friend supplemented his argument from the previous speech and rode an academic hobby on the Law College Lecturer. I may assure him that I shall take quite a detached view of the whole matter. I must tell my friend that Law Professors are entirely different from Sirkar Vakils. The Law Professors get no pension. They are not officers of the Government but the Sirkar Vakils are full-time officers. They are getting pension and their services are counted. Again, if a Law Professor's post is considered to be a Government post, gentlemen of the position in the bar of Mr. E. J. John would certainly not accept it for Rs. 200 per mensem. Nor my friend Mr. V. S. Subrahmanya Aiyar nor Mr. Malloor Govinda Pillai. For the matter of that, many of us would not have accepted the position, if we were ruled by the formula of being Government servants. These two arguments would enable my friend to see that the analogy that he has drawn between the two sets of people is of a faulty kind. The point was raised if a Professor of the Law College would argue a case for the Sirkar before the courts. It is true enough that professors know the law. Knowledge is one thing and the occasion and the place to use that knowledge quite another. So, when the appointments are of different kinds, that question does not arise. The Dewan of Travancore may have been a lawyer. He may be a graduate-in-law. But that is no reason why he should be asked to argue a case when there are a number of very well-paid Sirkar Vakils under him. So, these analogies are of a faulty kind, and the extra payments to Sirkar Vakils have to be dropped in future. Government have appointed certain lawyers to be their law officers. They trust they will do their work in the best fashion and according to their best light; and if they have to apply their best diligence in certain cases, because some cases happen to be more tough than others, to say that Government should show appreciation of such work in a tangible manner by paying a few hundreds of rupees is certainly a sad spectacle, because that brings down the Sirkar Vakil in the estimation of himself and of the world. A few hundred rupees is a poor present to be given by a civilised Government like the Travancore Government. I earnestly request my official friends not to advance these arguments before this House because they will prejudice their case. I know that, as a matter of fact, Sirkar Vakils can do more work than they are now doing. As I have discussed

[Mr. P. K. Narayana Pillai.]

the question at some length in connection with the discussion of a previous motion, I think I shall not be justified in taking up any more time of the Council. But the principle is a very mischievous one, *viz.*, diverting an amount for a purpose which was not under contemplation at the time the grant was made. I wish that the Government will set their face against such recommendations.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Do you oppose or support the demand?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I certainly oppose the motion.

MR. JOSEPH PANJIKARAN (*Shertallai*): I oppose the motion. Mr. Sundararaja Aiyangar, an Assistant Sirkar Vakil, who is paid a decent salary and who is paid that salary even during vacation time and who is entitled to a pension on his retirement, argued a case for the Sirkar before the High Court. He claimed a fee and the Government have paid it. The demand now made is to sanction that amount. I think that a demand of this kind does not come with good grace, and so it should not be allowed. Then again, the most beautiful portion of the whole story is that the demand is made *after* the amount has been paid! Where was the urgency for the payment, I cannot understand. Was the world coming to an end if the amount was not paid? Was Mr. Sundararaja Aiyangar at the point of death through starvation but for this payment? To make a payment by diverting the amount set apart for another purpose and then come to the House with a demand is an insult. And it is certainly carrying matters with a very high hand. I do not think that this country which is supposed to be governed on progressive lines can brook such an insult. I think it is an insult to our self-respect, and, as such, this demand cannot be allowed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I also feel very happy in opposing this demand, even though the official benches may lay the flattering unction to their souls that my arguments will be "cut to pieces". Mr. Subba Aiyar evidently thought that the merits of the motion, as such, were not sufficient to recommend it for the acceptance of the House. Naturally, in a plaintive way, he told the House that the money had already been spent, and he appealed practically to the charitable instincts of the non-official side. That is not the basis upon which the question has to be decided. Here is a demand, and the reasons for that demand need alone weigh with us. I am sorry to observe that absolutely no argument has been advanced by the learned Law Member in support of the demand. The only ground he alleged was this. First of all, Government requested the Head Sirkar Vakil himself to argue the case. It might be that the Government might have called upon Mr. Sundararaja Aiyangar to conduct the case, in which case he would not be entitled to any fee. Because Mr. Ananda Rao happened to go on leave and Mr. Sundararaja Aiyangar was asked to take up the work, the

Government had to pay a fee in connection with the case as a penalty. If this is the argument, it is very easy for the Head Sirkar Vakil to deflect an amount of public money in favour of his Assistants. Suppose some particular case was to be argued by the Head Sirkar Vakil and another case by his Assistant. Just when the case comes up, suppose they make up their minds to take leave and ask their subordinates or colleagues to do the work. Then that will be a justifica-tion for payment of a certain fee and the Travancore Government treasury will have to answer for the service rendered by the Assistant Head Sirkar Vakil. This is all the argument advanced by my friend in all seriousness. If this is the argument, matters will not stop here. Suppose the Tahsildar takes leave on the occasion of a Royal tour and the *Proverthicar* does the work; and then the *Proverthicar* will have to be remunerated for the extra services he has done and so on *ad infinitum*. I find that no argument worth the name has been advanced in justification of this particular demand by the learned Law Member. I am very sorry that I do not find my way to support the grant and I oppose it as *bitterly* as I can.

MR. M. N. PILLAI (*Trivandrum*): Sir, I strongly oppose the demand for the grant. I do not understand why these Sirkar Vakils should be paid extra, when they are getting a decent salary from the Government for conducting Sirkar cases. Is it not their legitimate duty to conduct all cases entrusted to them by Government when those cases are in their respective courts? It is also deserving of immediate notice that the Head Sirkar Vakil, Mr. Ananda Rao, does not appear in the High Court to conduct important cases, while it may be noted that these important cases are entrusted to Assistant Head Sirkar Vakils, whose standing in the profession is surely inferior to that of the Head Sirkar Vakil. I understand that at the same time he is appearing in the lower courts in the mofussil for private cases. It is adding insult to injury when, through the neglect on the part of the Head Sirkar Vakil, the Council is asked to sanction money to the Assistant Sirkar Vakils for conducting Sirkar cases. The Council made the grant last year for law charges throughout 1099. It was understood that the money sanctioned would be used only for that purpose. It was not intended that any portion of it should be diverted to make payments to the Sirkar Vakils who are paid a liberal salary for conducting Sirkar cases. To make payments behind the back of the Council and then move the Council for further grants is not business. When it is well known that Assistant Sirkar Vakils in the High Court are conducting Sirkar cases as a rule and when the Head Sirkar Vakil appears once in a blue moon in respect of some easy and trifling matter, one cannot understand why he is paid a princely salary. It is strange that, although one of the Sirkar Vakils in the Kottayam District Court was ordered to be pensioned, the question of his extension was again considered and decided in his favour on efforts being made by the Head Sirkar Vakil. I fear the difficulties are due to the mode in which appointments are made. A young vakil without much professional experience or stake in the country is appointed as Assistant Head Sirkar

[Mr. M. R. Madhava Variar.]

Vakil on the mere recommendation of the Head Sirkar Vakil. I feel sure, if gentlemen who possess legal ability, and public spirit with a due love of the country are selected for the place of Head Sirkar Vakil, the uncommon payments which we are now considering will become absolutely unnecessary. There is a feeling,—I think it is correct, that the Head Sirkar Vakil's Department is a close preserve for Brahmins. This requires a thorough scrutiny.

MR. A. HOOGEWERF (*Nominated*): I too take objection to the grant. It sets, I think, a bad precedent. There are times when people have to do hard work as well as times when people have to do rather easy work. I know the head of a particular institution who spent the whole of his vacation in doing work from morning till night. I am sure that that officer is not going to claim any extra allowance, nor is the Government going to pay it. So what I maintain is that there are hard times as well as easy times. So, when a Sirkar Vakil does any extra work, he should not be particularly remunerated for that work. It was pointed out by Mr. Panjikaran that it was a case of putting the cart before the horse. First you pay him, and then you come to this House to get sanction. That, I think, is not fair. These are a few remarks I have to offer in opposing this motion.

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*): I oppose the demand not because a certain amount is allowed to Mr. Sundararaja Aiyangar or Mr. Bhaskara Menon, but because certain conventions and understandings are brought into prominence in the administration of the department of the Head Sirkar Vakil. Hitherto I was under the impression that Sirkar Vakils were paid their salaries for doing the work entrusted to them by the Government. But when I put a question to Mr. Subba Aiyar whether any Sirkar Vakil was expected to work for a fixed number of hours, he said that they were not expected to do work for a particular number of hours a day. And, moreover, he said that they were not full-time officials. I am unable to reconcile both these statements. They are not given any particular work. The work is not defined by the Government and no time is allotted for their work. But they are paid salaries. Mr. Subba Aiyar was also saying that these Sirkar Vakils were attached to particular courts and if they were deputed to do work in another court they must be paid additional remuneration. In connection with the first demand, when I said that this custom recently cropped up, the President pointed out that it was not recent. I know that in the past certain persons were paid additional remuneration for having conducted extra cases. I also know that there are cases where additional remuneration was refused to certain persons. As an instance, Mr. P. Kesava Pillai was deputed for a riot case in Chengannur. He was there for one month and he was not paid any extra allowance. In addition to his duties it was an onerous work which he had to do. There are certain other cases also and I do not wish to cite all those instances. It is enough to show that there is no understanding or

convention established on a sound basis—that all persons who do extra work should be given remuneration. Even for tough cases, Mr. Subba Aiyar said that certain Sirkar Vakils were given additional remuneration. Then there is no meaning in their particular salary. It is better to pay them according to the cases they conduct or to give them a small retainer. If Sirkar Vakils are paid a decent salary, they should not be given, on any account, additional remuneration for doing extra work. It is stated that Mr. Sundararaja Aiyangar is not expected to do any work in the High Court or in other courts. At least the public think that he is appointed as a Sirkar Vakil and he is expected to do work in the court if he has got time, and whether he has got time or not is clearly stated by Mr. Subba Aiyar. Then Mr. Subba Aiyar said that some Additional Sirkar Vakils or Assistant Sirkar Vakils had sufficient work in their own offices and that they had no time to attend to their private work. If they are asked to do any additional work, I think it may not be as difficult as the work they have to do in the office. If they are diverted to do the same work, they have only to work for the same number of hours on a particular day. Therefore no additional remuneration can be allowed to the Sirkar Vakils and it is not a very healthy principle which the department is now following.

MR. K. GEORGE (*Financial Secretary to Government*): It has been mentioned by more than one member that there has been a diversion of the grant under fees to vakils for payments not contemplated in the original provision. I think this position is not correct. The grant voted by the Council was for the demand as a whole and we come back to the Council only when the total demand has been exceeded. Here, in the budget, the Council has granted under fees to vakils Rs. 3,000 and there has been no diversion. We have spent only within the grant of Rs. 3,000 allowed under fees to vakils and the Council, in sanctioning the demand for a grant, does not specify every direction in which the grant is to be spent. I will cite an illustration. Under the major head "Salt" there is a provision of Rs. 10,000 under "Petty construction and repairs." The Council is not aware of the details under which this grant is going to be spent. In the course of the year, some new constructions may arise; and if the Government require more money, the money that has been originally voted under "Petty construction and repairs" having become insufficient—

MR. M. N. PILLAI (*Trivandrum*): Sir,—

PRESIDENT: Can you not wait until he finishes his sentence?

MR. K. GEORGE (*Financial Secretary to Goverment*): I say under "Petty construction and repairs" a certain sum is given for expenditure during the course of the year and if the grant becomes reduced in the course of the year we have to go to the Council for an additional grant only if the total demand is thereby exceeded. What the Council need look into is only whether the expenditure was justifiable or not. But in such a case there will be no diversion. The original grant was for petty construction and repairs and it has been spent for that purpose. Therefore there has been no diversion. Even in the

[Mr. K. George.]

matter of diversion, Government have the right to divert within the same demand. As I said before, Government need come to the Council only if the total demand is exceeded.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Have the Government the authority to divert funds for purposes which were not in contemplation when the budget was passed?

MR. K. GEORGE (*Financial Secretary to Government*): All the purposes are not under contemplation when the budget is passed. We provide money for ordinary requirements. Government themselves do not know what all purposes may arise during the course of the year. New purposes are likely to occur.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will he tell us whether the word 'vakils' there which has been read out includes Sirkar Vakils?

MR. K. GEORGE (*Financial Secretary to Government*): It includes all manner of vakils. It means all vakils to whom Government entrust their work. It does not specifically say 'outside vakils'.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Was it not mentioned during the course of the budget discussion that payment is not to the Sirkar Vakil but to private vakils?

MR. K. GEORGE (*Financial Secretary to Government*): It may be so. But what I say is that, even when it is paid to the Sirkar Vakils, it is no diversion.

PRESIDENT: Mr. M. N. Pillai, you wanted to ask some question.

MR. M. N. PILLAI (*Trivandrum*): No, Sir, I have nothing to ask.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was extra payment to Sirkar Vakils contemplated when the grant was demanded?

MR. K. GEORGE (*Financial Secretary to Government*): We do not contemplate all our payments and the Council is not aware of all the contemplations. There are provisions in the budget, the various details of which the Council is not aware of. Nor are the Government aware of them when the budget is framed. In the course of the year, several fresh items of expenditure may crop up and we have to spend them from the grants allotted. The only question is whether the expenditure is right or reasonable.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether the Government were aware of that particular class of expenditure, *viz.*, special payment to Sirkar Vakils. I do not mean the particular amounts to particular vakils, but the contingency of payment to *Sirkar* Vakils.

MR. K. GEORGE (*Financial Secretary to Government*): What Mr. T. K. Velu Pillai says is that the payment was not justifiable,

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am only putting a question.

MR. K. GEORGE (*Financial Secretary to Government*): Yes, it is a question and I am answering it. (*Laughter.*) I am saying that there was no diversion of the original grant.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will there be anything like diversion? I wish to have an illustration.

MR. K. GEORGE (*Financial Secretary to Government*): A demand, as a whole, is granted, and if out of that demand we take money for another demand, that will be a diversion and an unauthorised diversion. We should not divert from one demand to another.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know whether the pay of the Sirkar Vakils is not included in the pay of Sirkar servants.

MR. K. GEORGE (*Financial Secretary to Government*): It is a non-votable item.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): But is there no provision in the budget?

MR. K. GEORGE (*Financial Secretary to Government*): Yes, there is provision.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know whether the pay of the Sirkar Vakils is not included under other headings in the budget.

PRESIDENT: Provision has been made.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will not any payment made out of vakils' fee particularly voted upon by the Council be a diversion if used for the payment of Sirkar Vakils? Is it not a diversion?

MR. K. GEORGE (*Financial Secretary to Government*): It is an expenditure within the grant. It is not diversion. Diversion arises only when the expenditure is outside the grant. That is the point that I wanted to make clear.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I think I have explained my position very satisfactorily at the outset and I need only reply on one or two points, particularly the one raised by Mr. Joseph Panjikaran, *viz.*, that the money was spent without the knowledge of the Council and that our coming here afterwards for sanction was not fair to the Council. Mr. George has explained the position that the amount was spent under the grant and that there was no diversion. At the time when the budget was framed, the amount that will have to be paid was not known. If this was the very first payment, I could understand that the question, wheth erthe Council would sanction it or not, might be matter for consideration. But in as much as it has been the practice all along for the last ten years, it was paid according to *mamool*. Therefore there was absolutely no intention on the part of the Government that the Council should not be approached in the first

[Mr. V. Subba Aiyar.]

instance. I could understand such discussion in the Council only if the Government intended that the whole thing should be kept outside the knowledge of the Council. What happened is that the amount allotted was not enough. We want more. What I say is—

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to know whether Mr. Subba Aiyar fears that, unless these details are given, the Council will not make any grant.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No. How it was spent, how the expenditure was made—all that I took the trouble of explaining, so far as I have gathered.

Mr. M. N. Pillai suggested that Mr. Ananda Rao was not fair in taking leave. He was entitled to the leave and I think it is only fair that he should be granted leave when he wanted it.

MR. JOSEPH PANJIKARAN (*Shertallai*): Where was the urgency for making this particular payment? Could not the Government have made the payment after getting the sanction of the Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Nobody ever thought that the payment was unauthorised and therefore sanction was not necessary. The payment has been made only out of the budget allotment. What was thought was that it was expenditure falling under the budget head and that, therefore, no sanction was necessary. Thus the money has been spent.

MR. JOSEPH PANJIKARAN (*Shertallai*): Will Mr. Subba Aiyar give me any instance of such payment already made and subsequent sanction obtained from the Council ever since the institution of this Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not in a position to answer that question. Probably, if Mr. George was asked, he would be in a position to explain it better. The discussion and the remarks of the various members point to the necessity or desirability of going into the question how to regularise the practice obtaining in the Head Sirkar Vakil's office and whether Sirkar Vakils should be paid anything extra hereafter if they appear for Government cases in courts other than the High Court. I daresay Government will go into that question. Government were till now paying as per *mamool*. The question whether, hereafter, any extra payment should be made will be considered by the Government, and I believe, definite rules will be passed. Government will take care to frame such rules as early as possible.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Mr. Subba Aiyar says that definite rules will be passed in regard to this matter. I wish to know what kind of rules he means.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Executive orders, not any statutory provision.

Rules will be framed as far as possible to regularise the work of the Sirkar Vakils and to standardise it so that the practice in future may be above criticism.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I take it that there are no rules at present?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): About the quantity of work, there is no rule. They are supposed to work in the High Court.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): All of them put together?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

The motion was put to the vote and carried, 20 voting *for* and 15 *against*.

MR. JOSEPH PANJIKARAN (*Shertallai*): I demand a poll.

A poll was taken with the following result:—

AYES—20.

1. Mr. I. C. Chacko.
2. „ R. Dhanukoti Pillai.
3. „ K. George.
4. „ J. Stephenson.
5. Rao Bahadur K. A. Krishna Aiyangar.
6. Mr. R. Krishna Pillai.
7. „ T. Lakshmana Pillai.
8. Dr. S. T. Ponnuswami Pillai.
9. Mr. K. V. Natesa Aiyar.
10. „ John Mackie.
11. „ S. Paramesvara Aiyar.
12. Mr. K. Paramesvaran Pillai (*Ag. Director of Agriculture*).
13. „ M. K. Khadir Pillai.
14. „ P. Paramesvaran.
15. „ R. K. Krishna Pillai.
16. „ M. Raja Raja Varma.
17. Rao Bahadur K. V. Rangaswami Aiyangar.
18. Mr. S. C. H. Robinson.
19. „ V. Subba Aiyar.
20. „ A. J. Van Ross.

NOES—15.

1. Mr. T. K. Velu Pillai.
2. „ M. R. Madhava Variar.
3. The Rev. Fr. Vettikkapalli
4. Mr. P. K. Narayana Pillai.
5. „ M. N. Pillai.
6. „ Joseph Panjikaran.
7. „ K. Paramesvaran Pillai. (*Tiruvalla*)
8. „ T. Kumara Pillai.
9. Mr. G. P. Kochukunju Pillai.
10. „ V. Kunjukrishna Pillai.
11. „ A. Hoogewerf.
12. „ A. Govinda Menon.
13. „ Paul V. Daniel.
14. „ T. M. Chidambaratanu Pillai.
15. „ L. R. Raja Raja Varma Koil Tampuran.

The motion was carried.

The Council rose for lunch at 2-20 P. M. and re-assembled at 3-11 P. M.

[Mr. J. Stephenson.]

DEMAND XII---EDUCATION.

MR. J. STEPHENSON (*Ag. Director of Public Instruction*): Sir, I beg to move for a grant not exceeding Rs. 70,914 under Demand XII—Education.

The various items are given in the list of demands for supplementary grants furnished to the members by the Secretary to the Council.

The first item is Rs. 41,736 for grants-in-aid to vernacular schools for boys.

The total grant under this head in 1098 was Rs. 4,89,500, of which Rs. 28,400 was a supplementary grant.

The grant for 1099 was Rs. 4,87,000, *i. e.*, less than the total for 1098 by Rs. 2,500.

It is now found that, of this sum, only Rs. 3,766 is available for fresh grants after the existing sanctioned grants are paid. Fresh grants have to be awarded to new schools opened with the permission of the Inspector, and enhanced grants are due to other schools owing to the opening of additional classes or divisions in them or to the replacement of untrained teachers by trained teachers.

For fresh grants, a sum of Rs. 45,502 is required and there is only Rs. 3,766 available as I have already stated. A further sum of Rs. 41,736 is thus required.

The next item is Rs. 13,000 for the purchase of physical and chemical apparatus for His Highness the Maha Raja's College, Trivandrum, now His Highness the Maha Raja's College of Science.

Of this sum, Rs. 10,000 is required for the Physics Department and Rs. 3,000 for the Chemistry Department.

When the College opened in June, 1923, large additions to the numbers taking physics and chemistry in the college were made and the supply of apparatus was found to be quite inadequate for the practical classes in these subjects. Indents have been prepared and exhaustively scrutinised and the sum is urgently required.

The third item is a sum of Rs. 12,054 for the purchase of apparatus, furniture and books for the Women's College in connection with the opening of classes for Group I of the Intermediate course.

The subjects of Group I are Mathematics, Physics and Chemistry, and teaching in these subjects began in June last year. Senior Intermediate class will be opened this year.

The total allotment for apparatus, books, periodicals and prizes, and furniture in the current year's budget is Rs. 4,900, and this includes provision for the Junior Intermediate class only of Group I. Provision has to be made for the Senior Intermediate class.

For apparatus, the sum required is Rs. 10,000, for furniture Rs. 1,500 and for books Rs. 500, making Rs. 12,000 in all under these heads.

Provision has also to be made for an attendant and a peon. During last year, as there was only one class in Physics and one class in Chemistry, the teaching in both subjects was done by the Physics Tutor. This year from July onwards there will be the Senior Intermediate class in addition.

Provision was made in the 1099 budget for a Tutor in Chemistry for two months, so that one may be appointed before the college opens. For assisting this tutor in the preparation of lecture demonstrations and in the practical classes, an attendant and a peon are necessary. It is proposed to appoint a Laboratory attendant on Rs. 18 per mensem and a peon on Rs. 9-1/6-11 for the last two months of 1099. The cost per month will be Rs. 27 and for two months Rs. 54. The total amount required for the Women's College is thus Rs. 12,054.

The fourth item is Rs. 3,674 for the appointment of additional staff and contingencies consequent on the opening of Form VI in the Muvattupuzha, Martandam and Alleppey Mahomedan English High Schools.

The opening of higher forms in these three departmental schools has been a matter of co-operation between the inhabitants of the localities and the Government.

The contributions of the people have been in the form of land, building, furniture and appliances and the funds now asked for are for providing the schools with the necessary teachers, clerical staff and peons and also with the necessary equipment for the opening of Form VI in each of the schools this year, to bring them into line with other complete High schools.

An additional teacher is also required at Muvattupuzha as a fresh division of Form V has to be opened there and one at Alleppey for the teaching of science which is to be begun there.

The grant of Rs. 3,674 asked for is built up as follows:

Rs. 500, the pay of five graduate teachers at Rs. 50 per mensem, for two months in 1099;

Rs. 120, the pay of three clerks at Rs. 20 per mensem, for the same period;

Rs. 54, the pay of two peons at Rs. 9 per mensem, for two months; and

Rs 3000 for equipment,—Rs. 1,000 for each school.

The fifth and last item is Rs. 450 for the appointment of nine under-graduate teachers in a special grade for one month.

One teacher is required, as it is proposed to open Form III in the Nedumangad English Middle School, and eight others on account of the opening of eight additional divisions of classes in other English schools. The scale of pay of such teachers is Rs. 50-5/2-70, and Rs. 50—one month's pay—is required for each of the nine teachers.

I commend this proposal for the approval of the Council.

The grant was made.

[Mr. R. Krishna Pillai.]

DEMAND XX—PUBLIC WORKS DEPARTMENT.

MR. K. V. NATESA AIYAR (*Chief Engineer*): Sir, I do not propose to move for the grant under Demand XX, because I hope to be able to meet the expenditure with the sanctioned grant by suitable re-appropriation.

THE REVENUE SUMMONS REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Revenue Summons Regulation Amendment Bill be finally read and passed by the Council.

MR. K. GEORGE (*Financial Secretary to Government*): I second it.

The Bill was finally passed by the Council.

THE REFORMATORY SCHOOLS BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Reformatory Schools Bill be taken up for consideration and passed. In so doing, I would also like to say that, if the Council passes the Bill, the date on which the Regulation is to come into force has to be fixed. I would suggest that the Regulation may come into force from the 1st of Chingam 1100.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

PRESIDENT: I take it that the Bill is passed and the suggestion that it shall come into force on the 1st Chingam, 1100, is approved.

The Bill was finally passed by the Council and the suggestion that it shall come into force from 1st Chingam, 1100, approved.

THE TRAVANCORE GOVERNMENT SECURITIES BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Government Securities Bill be taken up for consideration and finally passed. That also, I think, may come into force from the 1st of Chingam, 1100. The date has to be put in.

MR. K. GEORGE (*Financial Secretary to Government*): I second it.

The Bill was finally passed.

THE TRAVANCORE MAJORITY BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Majority Bill be taken up for consideration and finally passed.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I second it.

The Bill was finally passed.

THE HIGH COURT REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the High Court Regulation Amendment Bill be finally read and passed and that it come into force from the 1st of Chingam, 1100.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

The Bill was finally passed and the suggestion that it shall come into force from the 1st Chingam, 1100, approved.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Revenue Recovery Regulation Amendment Bill be finally read and passed by the Council.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

The Bill was finally passed.

THE TRAVANCORE MINES AND MINERALS BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to introduce the Travancore Mines and Minerals Bill and beg to move that the same be read in Council.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Bill is a simple one. Although we have got mines in Travancore, there are no provisions so far to regulate labour and to safeguard the interests, health and safety of the labour employed in these mines.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): May I know how many mines there are in Travancore?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I understand that there are seven mines; but some of them are not working though they may be worked again. It is also necessary that there should be provision to enable the Government or its servants to prospect for minerals on private grounds. As it is, it is only with the consent of a private person that entry may be made in a private compound. No prospecting for minerals could be done at present on private lands. It has lead to considerable difficulties and it has not always been found possible to get the owner's permission to enter into his land for the purpose of prospecting for minerals. According to the Bill, any Government officer may enter upon any land for prospecting for minerals. Provision for the payment of sufficient compensation for any damage done to the land has also been made. In cases of difficulty, reference may be made to a Board which is to decide the amount of compensation finally. And thus provisions may be made so as to regulate

[Mr. V. Subba Aiyar.]

labour and to safeguard the health and safety of the labouring classes. The other provision is the Chapter regulating the penalty for non-obedience of the various Chapters in the Bill, while the last Chapter deals with the rules to be framed by the Government. The Bill is a simple one and I do not think it is likely to be contentious.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I think there is the necessity of a challenge to the measure proposed by my friend Mr. Subba Aiyar. The law with respect to mines is a pretty big chapter in the history of law. The rights of the Crown to mines and minerals have been the subject of very serious controversy, and have been the subject of divergent decisions, if we look into the history of the English law. It was the decision of the case known as the, "Great case of the Mines," which finally settled the rights of the Crown in its aspiration for universal monopoly of all mines and minerals throughout the British realm, confining the same to what are now known as royal mines, *i. e.*, mines relating to gold and silver alone. With respect to other mines, it was established, by the case I referred to, that there might be private ownership of mines in Great Britain. In India also, private ownership of mines is recognised by statute law. For example, we have got the Land Acquisition (Mines) Act, XVIII of 1885, which recognises private ownership of mines in British India. Coming to Travancore, the matter seems to stand on an entirely different basis. We have got a Proclamation of the year 1056, which declares that all minerals and metals in the whole State of Travancore are royalties of the Crown in Travancore. So then, I would submit, that the position of the Crown in Travancore is extremely difficult to justify. The great bulk of land in Travancore may be seen to fall under two heads, namely, *Jen nom* property and Government property. With respect to *Jennom* property, it is very clear history that the claims of the State in Travancore, or the sovereign rights of the Sovereigns of Travancore, never touched even the surface, and much less the subsoil. Coming to Government lands, a Proclamation of the year 1040, generally known as the *pattam* Proclamation, practically assimilated the holding of Government *pattam* land almost to the same condition as *Jennom* land, as may be seen from Section 6 of the *pattam* Proclamation where the Government declare that, so far as the resumption of property comprised in *pattam* land is concerned, it would be resumable by the Government, only as if it were *Jennom*. So then, in the matter of *Jen-nom* lands, where the Crown possessed absolutely no rights in the subsoil, and in Pandarapattam lands where absolute proprietorship was conferred on the tenants by law, my submission is that it is extremely difficult to accept the law as laid down in the Proclamation of 1056. While such is the case, it is tacitly assumed, I think, by Mr. Subba Aiyar that the rights to all metals and minerals in Travancore belong to the Government.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Not tacitly, but expressly assumed by Statute.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is what I say. It is upon the basis of that Proclamation, accepting the law as laid down there, that this particular measure is brought forward. So this measure I would characterise as an underground move in more than one sense. In fact, I would submit that it is another nail driven into the coffin of popular rights with respect to mines and minerals in Travancore. The enactment of this measure supplies another bar to the assertion of popular rights regarding mines and minerals, and therefore, if we accept this measure as put forward by Mr. Subba Aiyar, we are practically silently undermining the rights of the people in the matter of mines and minerals in Travancore. My submisesion is that, before this measure is accepted, I would call upon the Government of Travancore to delimit and restrict in a reasonable way the rights of the Crown with respect to mines and minerals in Travancore. That is one objection I have got with respect to this measure.

Secondly, another objection on the merits of this performance itself is that it leaves indefinite what exactly is meant by a mine or a mineral. No doubt, my friend would point out that it has been the despair of judges to define correctly the expressions mines and minerals. From gold and silver and diamond, down to slate, kerosine and probably laterite, there is a long belt of things which may probably be classified as mines and minerals; and in this measure what Mr. Subba Aiyar provides is that any decision of Government as to whether a particular substance is a mineral or not would be conclusive so far as the people are concerned. Clause 42 of the present Bill runs as follows:—

"If any question arises as to whether any excavation or working is a mine within the meaning of this Regulation, the Government may decide the question, and a certificate signed by the Chief Secretary to the Government shall be conclusive on the point."

Now I beg to submit that it is a rather serious provision that the executive Government should be entitled to define what exactly a mine is. And if occasionally, as happens, owing to mistake, perversity, or to any other undesirable tendency on the part of the executive officers of the State, it was held that laterite stones are mines for purposes of this Regulation, the hardship of the people of Travancore would be absolutely indescribable. Such a power should not be vested in the Government. Then the object of this particular measure is to enable the Government to prospect for mines, and in that connection to enter upon the lands of other people, to make excavations there, and incidentally to give rise to all manner of injury also. With respect to damages, there is a Section—Clause 4 of the proposed Bill—which again seems to arm the executive Government with an authority unparalleled in the history of statutory law. For, it says, whatever be the amount of damage that may be caused, if an authority, designated by Government, comes to the conclusion that only so much of damages need be paid, it ought to be final, and the party entitled to damages shall not be entitled to claim anything further in any court of law established in Travancore. I shall read the Clause.

"The officer mentioned in Section 3 shall, at the time of such entry, pay or tender payment for any damage which may be done by the acts aforesaid; and in case of dispute as to the sufficiency of the amount so tendered, he shall at once refer the dispute to the

[Mr. T. K. Velu Pillai.]

decision of such authority as the Government may, by general or special order, appoint in this behalf. Such decision shall be final and payment shall be made accordingly."

We have come across the proceedings of certain special officers employed by the Government who have shaken the faith of an ordinary citizen like myself by the ultimate results of their decision. I would ask, therefore, if the party who suffers the damage is a private citizen, why not he be entitled to nominate a person as an arbiter between himself and the Government. If the Government are extremely shy of facing the situation in a civil court, that ought to be the only course open to them. It is the party that suffers the loss, not the Government. So, such provisions in this Bill are also serious objections to the entertainment of a measure like this.

Thirdly, I would ask whether any serious necessity has been made out by my learned friend. In the Statement of Objects and Reasons, my friend states that we have got a few mines in Travancore but they are only surface mines. Where is the guarantee that we are going to have deep-seated mines in Travancore? Without knowing the necessity, he anticipates, I believe, by enacting the measure, that it would automatically come into existence. That is legislating with a vengeance and should not be encouraged. Further, in the matter of the damage that may be caused to the holdings of a private person in the anxiety of Government to discover mines and minerals, the sort of damage that may be caused appears evidently not to have been visualised. For, considering the nature of the damages that may be caused in mining operations, there are a variety of them. It is not only the owner of the property where the mining operations are being carried on that may be damnified, but also the adjacent holders. As a result of excessive mining, what is known as lateral support to land may be endangered and buildings on the adjacent lands may tumble down. There is no provision for that. There are a number of minor unimportant defects also in the measure. But they need not be considered since it is a move to get a sort of tacit assent from the representatives of the people confirming their absence of right in the mines and minerals in the State; and especially in the absence of necessity, I would oppose the very principle and submit that it may be rejected at the very first blush.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): This is also a measure calculated to deprive the subjects of certain rights, of course, on the ground that the larger interests of the State require such an innovation. In Travancore, the Government have been making frequent invasions on the rights and privileges of the subjects so far as their landed property is concerned. There is the standing fact that the people have no right to the teak and blackwood that grow in their gardens above the surface, although those trees draw their nutrition from the lands for which the holder pays the tax. There has been the Land Conservancy Regulation which has worked so much injustice to the people that we find, year after year, in the Assembly and in this very House, representations being made about the damages

done to the people. I remember the time of the Markets Regulation when another inroad was made on popular rights. So far as I am able to see, the policy of all civilised Governments is to give greater and greater property rights to the people and not to invade the rights and privileges which have been enjoyed by them from time immemorial. We have been raising our voice against such invasions—but to no purpose. I am one of those who think that, if for very weighty reasons Government should be armed with extraordinary powers, those powers ought to be conferred on them. But those powers ought not to be used for putting the poor owners of property to difficulty when there is no commensurate advantage to the State. The State Geologists—very highly qualified and patriotic men—who are natives of Travancore and who take a good deal of interest in the development of Travancore, have been going round, from place to place, visiting different centres, and seeing if there is any possibility of mines being discovered in our State. But during the last fifteen years they have not been able to do much—I should say they have been able to do nothing. I do not forget that a boring instrument has been sanctioned in the last budget session. It is only by way of abundant caution that the Industries Department has asked for it. I am sure that the Director of Industries would not concede that during the last fifteen years they have not been able to do any work because of the absence of the boring instrument. They have been able to do some work according to their light even without it. In spite of their qualification and their experience, they have not been able to discover anything. I wonder why we should then enact a law to enable these officers to invade private rights, to enter upon the land and succeed in knowing nothing, seeing that, so far as science and observation have demonstrated, Travancore is not a place where valuable minerals can be obtained. The history of mines in Travancore has been a disappointing one. Therefore, we shall not be justified in legitimatising trespass. The powers vested in the officers would open the door for petty tyranny, because officers will have to act upon information furnished by their subordinates. It may be said that there is an ore of gold in a certain place. If, on the strength of certain conjectures, an officer empowered by Government is given the authority to enter upon a land, that is certainly a serious affair. It is only from slender hypotheses that he can work. He cannot bore a hole unless he enters upon the land. Therefore conjecture seems to be the most important source of action which may be pursued by these officers.

In Travancore, as has been observed by Mr. Narayana Pillai, a certain class of proprietors have got absolute proprietary rights over land. I can understand, Sir, that, if the Government wish to have certain extraordinary powers which they cannot do without, they should go and ask the Council to pass a law enabling them to do so. But here is a questionable, a problematic, I would even say, an undesirable result. Many competent people from outside—scientists and explorers—have come here and satisfied themselves that the prospects of mining in the State are very feeble. In the light of these facts, this Council should not be asked to pass this measure which takes away the rights of the subject,

[Mr. I. C. Chacko.]

when proper necessity has not been proved, when the Economic Development Board has not recommended the passing of this measure, when the absence of this measure has not prejudiced scientific exploration by the departments concerned. There is a feeling that every law that is passed militates against popular rights, and it is also usual to find, in these new legislative measures, clauses which deprive the civil courts of their jurisdiction--Sections which say that, if some particular officer selected for the purpose by Government affixes his signature in favour of a particular view--in this case that a certain substance is a mineral,--the jurisdiction of the civil courts should be ousted. It is well-known, Sir, that the Chief Secretary to Government will act upon the information furnished by the heads of particular departments. The Chief Secretary may not know anything about mines and minerals. There fore he is to accept the opinion given by others; and the law invests the Chief Secretary's signature with an amount of sanctity which cannot be traversed by a court of law. I would put it to you, Sir, why create all this trouble when there is no necessity? My learned friend who introduced the Bill has been complaining that there is so much work in the Head Sirkar Vakil's and Additional Head Sirkar Vakil's offices. Why consume the time, stationery and printing material in publishing this Bill? We do not want a law because there is a similar law in other places where there are mines. It is to encumber the Statute book and to create some unpleasant feelings in the minds of the people that this proposed legislation will be useful. I trust, therefore, that the Government will consider once more whether there is any necessity for having this Bill passed into law. I am not satisfied that there is such necessity. I therefore oppose the Bill.

MR. I. C. CHACKO (*Director of Industries*): Sir, I was listening with great interest to the speeches made by my friends Mr. P. K. Narayana Pillai and Mr. T. K. Velu Pillai. I do not wish to enter into the legal aspects of this Bill. But I must remove some of their apprehensions. Mr. P. K. Narayana Pillai said that, because in England only certain minerals or certain metals were royalties, there was no need of legislation—a comprehensive legislation of this kind--in Travancore. As Mr. P. K. Narayana Pillai said, in England there are only a few minerals—gold, diamond and one or two more—over which the King or the Government have any rights. But, in Travancore, according to the Proclamation referred to by Mr. P. K. Narayana Pillai, all minerals are royalties; and I do not think we can go behind that—when we are discussing this Bill. If these minerals are the property of Government, they should certainly have the right to mine or to examine them. I do not see the meaning of saying that such and such things are the property of a person when that person cannot have access to that property.

Mr. P. K. Narayana Pillai said that the definition of mineral might be applied to laterites and stones and such other things and that this Regulation might be made to apply to quarries or places where these

things were recoverable. But then, according to the practice now, we are not applying the Royal Proclamation to such things.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there a definition of mines and minerals in the Royal Proclamation that I referred to?

MR. I. C. CHACKO (*Director of Industries*): We may adopt the scientific definition of it. I am not a lawyer and I do not know how the lawyers would argue the thing.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know if Mr. Chacko has perused that Proclamation?

MR. I. C. CHACKO (*Director of Industries*): Yes, I have perused it many times. Anyhow, scientifically, according to geologists, a laterite would not be a mineral. A mineral must be a definite chemical compound.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is kerosene a mineral?

MR. I. C. CHACKO (*Director of Industries*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know if garnet is a mineral?

MR. I. C. CHACKO (*Director of Industries*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will there not be garnet in granite blocks and gneiss blocks?

MR. I. C. CHACKO (*Director of Industries*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): And are not most of the rocks in Travancore composed of gneiss?

MR. I. C. CHACKO (*Director of Industries*): Yes.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): And will there not be plenty of garnet in those gneiss blocks?

MR. I. C. CHACKO (*Director of Industries*): Yes, there will be. Now the Council is aware, and the opposition side moved in some of the former meetings, that Government should undertake boring for petroleum, and then—

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you got down that boring machine?

MR. I. C. CHACKO (*Director of Industries*): Not yet.

MR. JOSEPH PANJIKARAN (*Shertallai*): Have you written for it?

PRESIDENT: How does that arise?

MR. JOSEPH PANJIKARAN (*Shertallai*): It is necessary for finding out whether—

PRESIDENT: It does not arise here.

MR. JOSEPH PANJIKARAN (*Shertallai*): It does arise here.

PRESIDENT: You should not contradict what I say, Mr. Panjikaran. My ruling is that it does not arise.

[Mr. Joseph Panjikaran.]

MR. I. C. CHACKO (*Director of Industries*): Mr. T. K. Velu Pillai said that the State Geologists did not discover anything. But that is not the fact. They have discovered certain minerals and to prove the commercial possibility of these, prospecting will have to be done.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If they have discovered any mines, is there any necessity of prospecting?

MR. I. C. CHACKO (*Director of Industries*): I do not know what is meant by "discovering any mines".

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): My friend said that they had discovered certain mines.

MR. I. C. CHACKO (*Director of Industries*): I said minerals.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If they have discovered any minerals in sufficient quantity, may I know whether there is any necessity for prospecting?

MR. I. C. CHACKO (*Director of Industries*): Yes, there is. Among these may be mentioned lignite and kaolin which occur in the Varkalai formation which occupies about 500 square miles, and all that land is registered with the exception of some *porambokes* here and there. If we want to examine these for mines, we have to enter upon private lands.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Chacko, when he was a State Geologist, addressed the Government upon the necessity of passing a law of this kind?

MR. I. C. CHACKO (*Director of Industries*): Yes, I had. Unless the persons who are asked to prospect for these minerals are empowered to enter upon private lands, I do not see how they can carry on the prospecting.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will Mr. Chacko assure the House that hitherto they have not entered upon private lands to carry on their investigation?

MR. I. C. CHACKO (*Director of Industries*): Yes. We were carrying on only superficial investigation, and people never objected to our entering upon their lands for that purpose. But in prospecting we have to make excavations which private people may object to. I will describe some of the difficulties.

MR. JOSEPH PANJIKARAN (*Shertallai*); Did you feel this difficulty when you were serving the State as a State Geologist?

PRESIDENT: He is still continuing as State Geologist.

MR. V. SUBBA AIYAR, (*Additional Head Sirkar Vakil*): The question has to be addressed to the Chair.

MR. JOSEPH PANJIKARAN (*Shertallai*): I shall explain hat I mean. He says that people may object when he makes excavations for the purpose of prospecting.

PRESIDENT: You are not asking a question. Please put the question to me.

MR. JOSEPH PANJIKARAN (*Shertallai*): I want to ask Mr. Chacko whether he has felt the difficulty when he was acting as the State Geologist and trying to find out whether there were minerals or mines, or whether he has made any representations to Government.

PRESIDENT: Have you understood Mr. Panjikaran's question, Mr. Chacko?

MR. I. C. CHACKO (*Director of Industries*): Yes, there are instances of people objecting.

MR. JOSEPH PANJIKARAN (*Shertallai*): No, I do not think you have understood me aright.

PRESIDENT: You want to know whether Mr. Chacko has ever experienced any difficulty. You must refer to him in the usual way. You have to address him not in the second person but in the third and direct your questions to me.

MR. JOSEPH PANJIKARAN (*Shertallai*): After all, it is only a technical mistake.

PRESIDENT: It is the technical form in which you have to put the question. Kindly put your question in that form.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know whether Mr. Chacko has ever found this difficulty?

PRESIDENT: Which difficulty, please?

MR. JOSEPH PANJIKARAN (*Shertallai*): The difficulty of having to make excavations in order to see whether there are mines or minerals anywhere.

PRESIDENT: Mr. Chacko will now answer. Mr. Chacko, Mr. Panjikaran wants to know whether you have experienced any difticulty in exploring for mines and minerals on private lands hitherto and whether you have made any representations to Government in that matter.

MR. I. C. CHACKO (*Director of Industries*): Yes, I have experienced difficulties; and it is as a result of my representations that this Bill has been sought to be introduced into the Council.

MR. JOSEPH PANJIKARAN (*Shertallai*): I want to know whether he has made any representations to Government.

PRESIDENT: He has; that is what he is saying.

MR. I. C. CHACKO (*Director of Industries*): I must refer to a few instances where difficulties have been experienced due to the want of a mining Regulation in Travancore. Some time ago, a certain firm was carrying on mica mining in Punalur. They were working it open-cast, that is, not as a mine but as a quarry and they had a very deep working face and the rock there was not at all strong. It would give way during the rain, and in a country where there was a mining law, such a thing would not be permitted, because that would lead to big accidents. Men would die. What Government could then do was

[Rao Bahadur K. A. Krishna Aiyangar]

only to cancel the agreement between that Company and themselves, and to cancel the agreement completely meant the stoppage of the mine and there was no means of enforcing the safety of the men working in that mine.

Another instance is that of the Vellanad mine. Now we do not know where the mine was. They worked it for a number of years, then closed it, and they have given no plan, nor any other record of the mine, as there was no provision by which those records could be had from the parties concerned and maintained by the Government. Now, such a state of affairs is very dangerous. In England, in Cornwall and other places, serious accidents have occurred due to want of such records. It may sometimes happen that we may start a mine in the neighbourhood of a closed mine and then it may so chance that we may be driving a level to the old mine which will be filled with water. In such a case all that water will rush into the new mine and serious accidents will result. To avoid this, in all civilised countries, they insist upon all mine owners supplying to the Government the plans, elevations and all other records about the mines, so that even when these mines are abandoned, Government may have a correct knowledge of their positions in order that future accidents may be prevented. Even for that purpose it is necessary that we should have a Mines Regulation.

Then again, we have to call for various returns from these mine owners and, as far as I understand, none of the existing Regulations empower the Government to call for returns of mining concerns. So, for the purpose of obtaining correct returns of the minerals produced in Travancore, we want a Regulation like the present one. These are the few remarks I have to offer.

MR. L. R. RAJARAJA VARMA KOIL TAMPURAN (*Edavakai*): I want to know whether—

PRESIDENT: Mr. Chacko has sat down. What is it please?

MR. L. R. RAJARAJA VARMA KOIL TAMPURAN (*Edavakai*): I want to put a question to the Law Member regarding the definition which has been so much discussed here.

PRESIDENT: We are now discussing the general principles of the Bill. The definition is a matter of detail. If the introduction of the Bill is sanctioned by the Council, the Bill will naturally be referred to the Select Committee. All those details will have to be discussed by the Select Committee.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, it is not without a feeling of misgiving that I rise to support the motion that the Bill be read in Council. At the outset, let me make my position clear with reference to the ownership over existing mines and mines that may come into existence at a later stage. As matters stand at present, it is not open to this House to discuss the

legality of the Proclamation under which royalties in all minerals are vested in the Crown. The analogy of England would not apply because—

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamitta*): May I know whether we cannot say that the Government should not have ownership?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): If that is brought forward in the form of a resolution to induce the Government to modify an earlier statute in the light of modern ideas with reference to the ownership of mines, I think my friend will be perfectly in order. But, it seems to me that, so long as that Proclamation forms part of the law, we cannot object to the introduction of the measure before the House. I still grant that the earlier Proclamation took away the rights of owners of lands in Travancore.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it not open to this House to discourage any confirmatory regulation?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): A confirmatory regulation is not necessary for validating existing rights. They are absolutely unassailable at present.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it not open to this House to discourage such a procedure?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think we have to take note of the requirements of modern mines. Without prejudice to the rights of the Council at a later stage to point out the desirability of effecting a radical change in the implication of the Royal Proclamation—without prejudice to those rights—it seems to me that this question has to be discussed in the light of the facts that have been brought to the notice of the Council by Mr. Chacko. While I was listening to my friend Mr. Narayana Pillai, I thought that there was absolutely no necessity for a measure of this kind, especially when the mines that are at present worked in Travancore are surface mines and that the necessity for providing for the safety, health and convenience of parties employed in mines is, more or less, a problematical affair. I thought my friend Mr. Subba Aiyar was simply providing for a contingency that might take place in the near future or that might not take place at all. But, after hearing Mr. Chacko, I have felt that, so long as the Council expects the Department of Geology and Industry to justify itself, it is only fair that the Council should arm him with the necessary powers for utilising the results of scientific investigations that have been carried on by the Department to see whether they can be converted into commercial or industrial concerns of a profitable character. Without much technical training, one can understand that one has to dig deep before one can see whether any particular mineral occurring in a particular locality can be had in sufficiently large quantities to be put on the market as a commercial concern. Necessarily, for the purpose of determining these questions, the executive have to be armed with certain powers in the matter of entry on

[Mr. V. Subba Aiyar.]

private lands and carrying on boring operations therein just to determine whether it is worth while carrying on the undertaking. In that view of the question, it appears to me to be certainly necessary to provide the authorities, either Government officials or licensees, with power to enter upon private lands and to carry out the preliminary operations necessary for forming a conclusion.

The dangers pointed out by my friend Mr. Narayana Pillai in other respects appeal to me as real dangers that the Council should guard against. I thought, Sir, that in the old Council there was a tendency—a marked tendency—on the part of the Government to take away the jurisdiction of Civil Courts. I felt then, and I do feel now, that there has been absolutely no justification for the Government of Travancore fighting shy of its judiciary. I said then that it was the highest compliment that the Government could pay its judicial officers, when it was growing nervous as regards submitting their orders for revision to a Civil Court. Atfer all, the Civil Court must be the ultimate bulwark of popular liberty againstofficial aggression. Whether deliberate or otherwise, that portion of the Bill requires serious consideration.

In view of the awakening in the west and the resolutions of the Washington Conference with reference to the protection of labour, the Government of India passed very recently a series of legislative measures ending, I believe, with the Workmen's Compensation Act which comes into force at an early date. It will certainly be desirable to introduce some sort of comprehensive legislation for protecting labour and providing for the convenience and comforts of the parties employed in mines; so that, while I am for the Bill being referred to the Select Committee, the particular objections pointed out by my friend Mr. P. K. Narayana Pillai, in other respects than the question of ownership, do appeal to me very strongly and they require very careful consideration at the hands of the Select Committee.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The Bill does not attempt to confirm ownership of mines at all. If the ownership vests in the Government now, it will be so even after the Bill is passed. If the ownership of mines vests in a private individual, it wlll continue to do so even after the present Bill is passed; so that it has nothing to do whatsoever with the ownership. The first portion of the Bill is purely about prospecting and nothing else. Whether a mine belongs to a private individual or to the Government, it is absolutely necessary that the Department of Geology should prospect for minerals on private gardens and private lands and for that purpose enter upon and make the necessary excavation, etc., in them. A question was asked whether there was any objection on the part of any particular individual. There may or may not be objection. As Mr. Chacko pointed out, once you begin to make excavations, there may be serious objections. The only safeguard necessary is that, whatever loss or damage accrued to the party, it should be sufficiently compensated for by the Government interfering with the ownership of land. That has been provided for.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It was seriously contended that the right of civil courts was being taken away. In all such cases the idea is to constitute a Board whenever the question has to be decided upon. May I know whether you have provided for the Board?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In what Section?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe there is a Section. It is only in certain cases that it will be done.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the parent Act IV of 1823 there is a reference to a Board.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Here also there is a provision.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Here there is no provision for the Board.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In which clause, please?

PRESIDENT: I think that this is after all a matter of detail.

MR. V. SUBBA AIYAR (*Additinoal Head Sirkar Vakil*): Yes. I say the constitution of the Board may be determined by the rules to be framed by the Government. Further, if there is any objection as to that, it may be considered in detail at the Select Committee stage.

Then again, it may not be possible for us to know whether a particular thing is a mine or a mineral so that it may not be possible to have the same decided upon now. Unless there is the advice of experts, it cannot be done. It is with the advice of their experts that the Government have to do it. Granting that the definition is not quite up to the mark, Mr. P. K. Narayana Pillai knows that, in the case of every Bill sent to the Select Committee—I daresay—every clause is threshed out in detail and very many modifications are made though not contemplated when the Bill is discussed here. Whatever objections there are, I believe, may be sufficiently considered and removed at the Select Committee stage. Mr. T. K. Velu Pillai grew vehement—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was not vehement. My arguments might have been strong. I object to the expression "vehement" and I hope Mr. Subba Aiyar will kindly withdraw the word.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I thought that there was no objection in using the word. If there is any objection to my using the word, I have no objection to omit it.

PRESIDENT: It looked more like a compliment.

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think there is no objection. What I wanted to say was that he was under the impression that the Bill proposed to take away private rights. It does not take away any right. It simply allows the Government to prospect for mines and to have inspecting agents and regulate labour in other directions, *viz.*, the number of hours, the class of people and other safeguards. There is nothing affecting private rights.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Some officer should have the authority to get into other persons' property for prospecting for mines. It is certainly an invasion of private right.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As for that matter, if any man enters upon a private land—the ownership of which vests in a private individual—which is lying fallow, that is also an invasion. Here what is proposed to be done is to enter upon a private land lying fallow and prospect for mines. The owner does not derive any benefit when the land lies fallow.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does he mean to say that only fallow lands are proposed to be prospected for mines?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Let it be other lands. Without in any way interfering with the rights of the owner, the mining can be done; so that there can be no serious objection on that point. All other suggestions or amendments may be considered by the Select Committee and, the Bill, if necessary, may be amended by the Select Committee.

PRESIDENT: The question is that the principle of the Travancore Mines and Minerals Bill be accepted.

This was put to the vote and carried, 24 voting *for* and 4 *against*.

The Secretary to the Council then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Mines and Minerals Bill be referred to a Select Committee consisting of the following members:—

1. Mr. P. K. Narayana Pillai
2. „ N. Ramakrishna Pillai
3. Mr. M. R. Madhava Variar
4. „ I. C. Chacko
5. Mr. V. Subba Aiyar.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I second it.

PRESIDENT: May I take it that the House accepts the motion? The motion was carried.

PRESIDENT: The Committee will submit its report within three months and Mr. Subba Aiyar will be the Chairman of the Committee.

THE CHITTIES REGULATION AMENDMENT BILL.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Chitties Regulation Amendment Bill be read in Council

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the necessity for the Bill is this. The Chitties Regulation contemplates certain offences. Non-keeping of registers, non-registering of Chitties, non-production of accounts, all these are made punishable with fines. In some cases the foreman rectifies the irregularity and keeps up to the regulation or Rules framed thereunder and therefore obeys the provisions. The offences are not of a very serious kind. The Director of Registration thought that it was desirable to compound the offences instead of punishing them in criminal courts. It was ultimately found that there was no provision in the Criminal Procedure Code. Section 256 of the Code contemplates the composition of certain classes offences under certain circumstances. And therefore, just as in other cases, the offences being of a minor nature, it has been thought desirable to empower the Director to compound certain offences. There is only one offence that is of a very serious nature, *i. e.*, false statement by a foreman. In such cases it is made punishable with imprisonment. This Bill does not contemplate to take away that provision. Thus the Bill is not intended to affect the serious offences while the others are minor offences which may be compounded, and the Bill makes the offence compoundable at the discretion of the authority concerned. I think the Bill will be acceptable to the House.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second it.

PRESIDENT: The question is that the principle of the Chitties Regulation Amendment Bill be accepted.

The motion was agreed to.

The Secretary then read the title of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, as there is only one Section in the Bill, I do not think it necessary to refer it to a Select Committee. I therefore move that the Bill be not referred to a Select Committee and that it be read a second time at another meeting.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I second it.

PRESIDENT: May I take it that the motion that the Travancore Chitties Regulation Amendment Bill be not referred to a Select Committee is carried?

The motion was carried.

PRESIDENT: That closes the business for the day. Gentlemen, we meet on Saturday at 11-30. A. M.

The Council adjourned at 4-30 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Saturday, 7th June, 1924.

(*OFFICIAL REPORT.*)

The Council met again in the Victoria Jubilee Town Hall, at Eleven Thirty-two of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS

[*Order made by the President under Standing Order No. 12—*

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Kadutturutti Primary School.

212. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): With reference to the Kadutturutti primary school, will the Government be pleased to state:

(*a*) whether they are aware that this school was formerly a middle school;

(*b*) whether there were any particular reasons for reducing it to a primary school, and, if so, what those reasons are;

(*c*) whether the Government are aware of the fact that the site was given to them on condition of a middle school being maintained there;

(*d*) who is in possession of the funds, etc., collected by the students' association during the time when the school was a middle school;

(*e*) whether the Government have passed any orders on the representation made in respect of this school and the students' association by the Ettumanur taluk member at the eighteenth session of the Sri Mulam Popular Assembly, and, if so, what the order passed is;

G. P. T. 3581. 310. 8-7-24.

[Mr. R. Krishna Pillai.]

(*f*) whether Government have any objection to entrust the money collected by the students' association to some of the respectable people of the village on proper security for the purpose of completing the building; and

(*g*) whether Government are willing to release the site in favour of the owner if they are not prepared to raise the school to a middle school?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes.

(*b*) The low strength of the middle school classes.

(*c*) Yes.

(*d*) The late Headmaster of the school was in possession of the funds collected by the students' association. The amount is reported to be Rs. 9-22-8. But the Headmaster went on a few days' sick leave and died, and the first assistant in charge referred the matter to the Assistant Inspector of Vernacular Schools. It is reported that the pay of the Headmaster amounting to Rs. 13 and odd has not been disbursed pending the disposal of this matter.

(*e*) The representation was recorded.

(*f*) Government have no objection.

(*g*) Specific proposals, if made, will be considered.

Auction Sale of certain Lands in Karunagapalli Taluk.

213. MR. C. RAMANKUNJU (*Nominated*): (*a*) Is it a fact that the lands in Survey No. 410/B of Karunagapalli *pakuthi* of the Karunagapalli taluk, applied for under G. O. Dis. No. 92/1922 Revenue, by some landless Arayans, were sold in auction?

(*b*) If so, will the Government be pleased to cancel the sale and order the distribution of the lands among the original landless applicants?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is a fact that the lands in Survey No. 410/B of the Karunagapalli *pakuthi* were applied for by some Arayans for use as house-sites. The Tahsildar found that these lands were unfit for that purpose and, therefore, ordered them to be put up to auction. One of the applicants has preferred an appeal before the Division Peishkar to set aside the sale; and further proceedings have been stayed pending the final disposal of that appeal.

MR. C. RAMANKUNJU (*Nominated*): Is it the Tahsildars or the applicants who are to decide whether the lands are suitable for their purposes?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Tahsildars are to decide whether lands are fit for house-sites or not.

MR. C. RAMANKUNJU (*Nominated*): In the answer it is stated: "one of the applicants has preferred an appeal before the Division Peishkar." Is that appellant a landless person?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have no information.

Concessional Registry of Lands.

214. MR. C. RAMANKUNJU (*Nominated*): (*a*) Will the Government be pleased to say in how many instances in each taluk the applicants for concessional registry of lands under G. O's. Nos. 1464 of 1921 and 92 of 1922/Revenue, deposed, on appearance before the Tahsildar, that they did not want the lands on the terms of the Government Orders?

(*b*) Will the Government be pleased to say how many applications for concessional registry of lands, pending on the last day of 1097, were disposed of in 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The information required by the member is given below:

Taluks.		*No. of applications withdrawn.*
Karunagapalli	...	2
Mavelikara	...	4
Peermade	...	4

There were no such withdrawals in the other taluks.

(*b*) There were 2,019 applications for concessional registry of lands pending on the last day of 1097, and of these, 1,362 applications were disposed of in 1098.

MR. C. RAMANKUNJU (*Nominated*): Of the 1,362 applications disposed of in 1098, may I know how many were in favour of the applicants?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

Manufacture in the Central Prison.

215. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Will the Government be pleased to state:

(*a*) whether it is a fact that the Central Prison Superintendent has spent, during the first four months of 1099, Rs. 900 and Rs. 500 towards the purchase of cotton and coir yarns respectively, not included in the Prison contract, and, if so, whether there is any special reason for this;

(*b*) whether there is any rule that the purchase of articles worth Rs. 250 and above should be by public auction or by tender;

(*c*) the value credited in the Prison accounts for the *jamakals* of 1098 now possessed by the in-patients of the Jail Hospital and examined by the Darbar Physician;

[Mr. N. Ramakrishna Pillai.]

(*d*) whether it is a fact that materials required for superior *jamakals* are purchased, though only inferior *jamakals* are actually supplied to prisoners and civil debtors: and

(*e*) how many patterns of *jamakals* of different weights are made in the Central Prison and what the price of each of them is?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes. Only such counts of yarn as are required for the use of the jail are usually given on contract. Purchases of other counts were made in the market to meet the emergent requirements of certain departments like the Military and the P. W.

(*b*) Yes.

(*c*) Rs. 3-15-0 for each *jamakal*.

(*d*) No.

(*e*) *Vide* statement given below.

Kind of *jamakal* manufactured.	Weight as per schedule.	Price.		
		Rs.	chs.	c.
1. Murajapam *jamakal* ..	1 lb. 9½ ozs. nearly.	2	2	0
2. Civil Debtor's *jamakal* ...	2 lbs. nearly.	4	2	0
3. Brigade *jamakal* ...	2 lbs. 14 ozs. or 3 lbs. nearly.	3	22	14
4. *Jamakal* for the Police Department ...	2 lbs. 6 ozs.	5	0	0
5. Fancy *jamakal* ...	8 lbs. 8 ozs.	15	0	0
6. Do ...	14 lbs. 8 ozs.	24	0	0

Next Abkari Contract.

216. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state whether they will take steps to renew the abkari contract for the years 1100 and 1101, only after they receive and pass final orders on the report of the committee appointed to examine the abkari policy of the State?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The contract for the years 1100 and 1101 has already been arranged for in the usual course and could not be delayed further.

Sale of Toddy Arrack.

217. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state:

(*a*) (1) the number of toddy arrack shops sanctioned to be opened during the biennial contract commencing from the 1st Chingam, 1098, and the number actually opened and worked during the first year of the contract; and

(2) the quantity of toddy arrack consumed during the year 1098?

(*b*) What is the income that has accrued to the Government on this account?

(*c*) What was the quantity consumed in 1097 and what was the gain on that account?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) (1) 15 toddy arrack shops were sanctioned to be opened during the 1098-99 contract, out of which 10 shops were actually worked during 1098.

(2) 148·22 proof gallons.

(*b*) Rs. 2,814-Chs. 22-Cash 14.

(*c*) The quantity issued to the shops in 1097 was 1,012·5 proof gallons and the duty realised thereon was Rs. 6,439-Chs. 9-Cash 9.

Vaikam Jetty.

218. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state:

(*a*) whether they are aware of the difficulties experienced by passengers in steam and motor launches in getting into and alighting from boats at the Vaikam landing place;

(*b*) whether any estimate for the construction of a jetty has ever been submitted to the Government, and if so, when; and

(*c*) whether they will consider the question of constructing a jetty at the Vaikam landing place at a moderate cost?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) No.

(*c*) Government will enquire.

Markets for Industrial and Agricultural Products.

219. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Will the Government be pleased to state whether any enquiries have been received by the Director of Industries or of Agriculture regarding the export of tapioca, spices or other products available in Travancore? If so, what are the articles regarding which enquiries have been made?

(*b*) Have any efforts been made by the Industries or the Agricultural Department towards enlightening the public as to the best and most suitable markets for the export of raw products from the State? If so, what are the means adopted?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Yes. The articles regarding which enquiries have been received are tapioca, tapioca flour, lime fruit, timbers and cashew-nut oil.

(*b*) The Department of Industries is in touch with the Imperial Institute and the Director-General of Commercial Intelligence in the matter of finding suitable markets for Travancore raw products. The results of the enquiries which are likely to interest Travancoreans are published in the *Travancore Economic Journal* and also forwarded to those who have made enquiries about them.

Reports on Industrial Products.

220. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Have any reports regarding the industrial products of the State been compiled and published by the Department of Industries?

(*b*) If so, where are these reports available?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Twenty bulletins on industrial products and a report on the industrial survey of the State have been published. The bulletins can be obtained from the Director of Industries. The *Industrial Survey Report* is sold by the Superintendent, Government Press.

Disposal of Timber Stock.

221. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state:

(*a*) whether the increase in forest revenue in 1097 under timber, etc., was not due chiefly to the disposal of stock held over during previous years;

(*b*) whether the balance in stock at the end of 1097 has any bearing on the above;

(*c*) whether the Conservator of Forests has taken any steps to reduce the balance of stock accumulating at the end of each year;

(*d*) whether it is a fact that the wholesale disposal of timber at nominal prices is the only way now adopted to get over the difficulty; and

(*e*) whether the Conservator of Forests has suggested any scheme to regulate the yearly output so as to reduce the surplus stock and to meet urgent requirements, both sylvicultural and financial?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The increase in revenue in 1097 was due not only to the larger disposal of the stock held over during the previous years, but also to the larger removal of royalties by consumers and purchasers and the sale of a large quantity of sleepers to the South Indian Railway Company.

(*b*) Not much.

(*c*) Yes.

(d) No. The disposal of timber and the price to be realised therefor depend always on the condition of the timber market and on the quality of the timber.

(e) Yes. The member is referred to the portion of the proceedings of the last budget session of the Council relating to the voting of grants for the Forest Department.

Funds for Roads in Shertallai.

222. MR. JOSEPH PANJIKARAN (*Shertallai*): Will the Government be pleased to state what portion of the budgeted amount for this year has been spent till the 15th Dhanu, 1099, on (1) the Shertallai town roads, and (2) the Shertallai-Tannirmukkam road?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(1) Rs. 1,000.

(2) Rs. 718, excluding Rs. 1,500, being the value of iron materials received for the bridge work.

Trained Teachers in the Shertallai English High School.

223. MR. JOSEPH PANJIKARAN (*Shertallai*): (a) How many trained graduates are there in the departmental English High School at Shertallai?

(b) How many trained graduates are there in each of the other departmental English High Schools of the State?

(c) Will the Government be pleased to state whether there is any special reason for not making an equal distribution of trained graduates among the various departmental English High Schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) Excluding the Headmaster, there are two trained graduates.

(b) A statement* giving the information asked for is laid on the table.

(c) The number of trained graduates in any school cannot be a matter of mere ratio, since the nature of the optional subjects, the number of pupils going in for each of the optionals, the total strength, etc., have to be taken into consideration in the matter of distribution of the staff. Government will, however, instruct the Director of Public Instruction to add, as soon as possible, to the number of trained graduate teachers in the schools in which they are at present poorly represented.

Opening of Periyar Dam Sluices.

224. MR. A. GOVINDA MENON (*Alangad cum Parur*): (a) Are the Government aware that the opening of the sluices of the Periyar Dam during the north-east monsoon this year caused a good deal of damage to crops and vegetation in the lower reaches of the Periyar?

(b) Will the Government take effective steps to prevent the sudden rise of water in the lower reaches of the Periyar on account of the opening of the Periyar Dam sluices?

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* *Vide* appendix—page 847.

[Mr. C. P Kochukunju Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) No.
(*b*) The matter is under correspondence with the Madras Government.

Improvement of Means of Communication in Northern Taluks.

225. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(*a*) whether they are aware that facilities of communication in the amalgamated taluks of Alangad and Parur are extremely scanty; and

(*b*) whether they will direct the Public Works Department to see that greater facilities for communication are provided in their programme of work this year in the Alwaye Division?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Yes.
(*b*) Government are doing the needful. An additional grant of Rs. 12,250 has already been sanctioned for works in the Alwaye Division during 1099 (*vide* page 469 of the Official Report of the Legislative Council Proceedings, First Session, 1099—Vol. IV.—No. 6).

Timber Sales.

226. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) the quantity of timber available at present for sale in the several Government depôts;

(*b*) the results of the efforts put forth by the Special Utilisation Officer deputed to find markets for the timber and other forest produce of the State;

(*c*) whether timber is sold to the contractors engaged by the Government to construct buildings, etc., and

(*d*) whether it is not possible to compel all such contractors to purchase timber from the Government?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Royalties 1,94,592 c. ft.
Junglewood 1,26,880 c. ft.

(*b*) Owing to extreme dullness in the timber market, the efforts of the Utilisation Officer to find out markets for timber outside the State have not so far proved satisfactory.

(*c*) Yes.

(*d*) Such an order was passed in April 1921. The Chief Engineer has moved for the abrogation of this order. The matter is under examination by the Government.

Recruitment to the Superior Grade.

227. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) whether a record is maintained in the Huzur Office to register the names of applicants for appointments to the superior grade in the several departments of the State;

(*b*) whether there is any rule requiring heads of departments to forward to the Huzur Office periodical lists of such applicants; and

(*c*) whether the Government scrutinise the selections for appointments made by heads of departments from those lists?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) The answer is in the negative.

(*c*) This does not arise in view of the answers to parts (*a*) and (*b*)

Timber Supply Contractors.

228. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) whether there is no rule that timber supply contractors or their relatives should not deal in timber; and

(2) whether most of the contractors for the extraction of timber or their near relatives are not also dealers in timber?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(1) There is no rule to this effect, but when a supply contract is given to anyone, provision is made in the agreement that he or any undivided member of his joint family should not trade in timber during the currency of that contract.

(2) The answer is in the negative.

Abandoned Forest Roads.

229. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state whether there are any forest roads once constructed at great cost, but now lying practically abandoned, and in case there are such roads, whether they will give the length and location of such roads and the reasons for so abandoning them?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is reported that no forest roads opened at great cost are now lying abandoned.

Survey Plans of Reserve Forests.

230. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) whether plans have been prepared by competent survey authorities for any demarcated reserves in the State;

(2) whether, in case such plans exist, they are available for sale to the public;

[Mr. S. Paramesvara Aiyar.]

(3) whether Conservator Mr. Rama Rao prepared a scheme for the demarcation of all settled reserves and for their exact location in the survey plans of the State, and whether, in case such a scheme was prepared, any action has been taken under it till now;

(4) whether the absence of such plans has not often rendered registering unreserved forests and locating the exact boundaries of reserved forests in forest cases extremely difficult in many cases; and

(5) whether, in view of the difficulties mentioned in part (4), the Government would take early steps to have such plans prepared by competent survey authorities?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) Correct maps for about seventy reserved forests have been prepared.

(2) The maps have not been printed and are not therefore available for sale to the public.

(3) The demarcation of reserves was being done even before the time of Mr. Rama Rao and he only issued circulars regarding the expeditious and proper execution of the same. The work is nearly over in respect of the settled reserves.

(4) No.

(5) The work is already being done by the Survey Department.

Encroachment on the Reserve Forests of the Northern Division.

231. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) the number of encroachments made into the reserved forests of the Northern Division in 1098; and

(2) the nature and result of the action taken in each case?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (1) and (2) It is reported that there was only one such case and that it related to trespass into a water channel in the Todupuzha Reserve for the purpose of irrigating a registered holding. It is also reported that, as the trespassers had only repaired an existing watercourse, and as they could at best be proceeded against only for lopping the branches and roots of a few small trees standing on its bank, the Divisional Forest Officer dropped the case after realising compensation.

Fish-curing Yard for Karunagapalli.

232. MR. N. PADMANABHA PILLAI (*Karunagapalli*): (*a*) Are the Government aware that a large number of Arayas on the coastal tract of Karunagapalli depend for their living on the fish industry?

(*b*) Will they be pleased to open a fish-curing yard to help them?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes.

(*b*) Government will enquire

Teaching of Educational Practice in Schools.

233. MR. N. PADMANABHA PILLAI (*Karunagapalli*): Will the Government be pleased to state whether they have afforded any facilities in schools other than the Model School for the practice of the theories taught in the Training College?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The principles and theories of teaching learnt in the Training College are naturally and necessarily followed in the other schools.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I ask what are the facilities that are allowed to the schools other than the Model School for the practice of the theory taught in the Training College?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is not stated in the answer that any special facilities are afforded. It is only stated in the answer that "the principles and theories of teaching learnt in the Training College are naturally and necessarily followed in the other schools." No special facilities are afforded at present.

Work of Income Tax Inspectors.

234. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to give a statement of the work of the Income Tax Inspectors at Quilon and Trivandrum and the number of new assessees they have added to the list in 1098?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Income Tax Inspector, Trivandrum, made reports about 139 assessees and the Inspector at Quilon about 77 assessees. The number of new assessees added to the list on the report of the Trivandrum Inspector is 12 and that on the report of the Quilon Inspector is 30.

Contract for supply of Arrack.

235. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Will the Government be pleased to state whether the contract for the supply of arrack has been auctioned by them?

(*b*) Whether the Government received any tenders in that matter from persons other than Mr. Balaguruswami Nadar?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) The answer is in the affirmative.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): With regard to Part (*a*) of the answer, may I know why the contract was not auctioned?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Because it was thought that, in the case of a big contract like this, the existing contractor would do better.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Thought by the Government?

[Mr. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): By the Government and also by the Excise Commissioner.

Castewar Statement re. Provincial Staff and Munshies in English Schools.

236. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to furnish information regarding the number of Brahmins, Nairs, Christians and other non-Brahmin Hindus separately in the provincial staff of graduate teachers of English schools for boys and among the Munshies of English schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The information required is given below:—

Caste.	*Provincial staff of graduate teachers of English Schools for boys.*	*Munshies in English Schools for boys.*
Brahmins	139	39
Nairs	25	15
Christians	69	3
Other Non-Brahmin Hindus	13	7

MR. M. N. PILLAI (*Trivandrum*): May I know whether there were not applications from people belonging to non-Brahmin communities over and above those men who have been appointed as teachers for these posts?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

MR. M. N. PILLAI (*Trivandrum*): Will they please get the information?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): In regard to which vacancy?

MR. M. N. PILLAI (*Trivandrum*): I wanted a caste-war statement of the teachers and Munshies in English Schools. The reply is that there are 139 Brahmins, 25 Nairs, 69 Christians and 13 other non-Brahmin Hindus; and 39, 15, 3 and 7 Munshies respectively. I want to know whether there were not applications from members of non-Brahmin communities when these appointments were made.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): When *each* of these appointments was made.

MR. M. N. PILLAI (*Trivandrum*): Yes.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice of that question.

Munshies in English Schools.

237. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to state:

(*a*) how many Munshies were appointed in Secondary Schools during this year;

(*b*) what their qualifications are;

(*c*) whether Munshies from vernacular schools had applied for these posts; and

(*d*) if so, what the qualifications and services of those applicants are?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Two Sanskrit Munshies were appointed during 1099.

(*b*) Both of them have passed the Mahopadhyaya examination.

(*c*) Applications from two Munshies employed in Vernacular Schools were received in 1098 and they have been filed in the office of the Inspector of English Schools.

(*d*) Both the Munshies have passed the Vidvan examination. The service of one of them is 10½ years, while that of the other cannot be known from his application.

Appendix.

***Vide* Answer to Question No. 223.**

List showing the number of trained graduates in each of the departmental English High Schools (except the High School at Shertallai) excluding the Headmasters.

No.	*Name of School.*		*No. of trained graduates.*
1.	English High School,	Kottar	12
2.	do.	Eraniel	7
3.	do.	Martandam	3
4.	do.	Neyyattinkara	6
5.	S. M. V. do.	Trivandrum	16
6.	do.	Attingal	7
7.	do.	Kottarakara	4
8.	do.	Shencottah	6
9.	do.	Adur	2
10.	do.	Quilon	7
11.	do.	Chavara	3
12.	do.	Kayankulam	4
13.	do.	Mavelikara	7
14.	do.	Chengannur	7
15.	do.	Alleppey	Nil
16.	do.	Vaikam	8
17.	do.	Muvattupuzha	2
18.	do.	Parur	5
19.	Model School attached to the Training College.	Trivandrum	19
20.	English H. S. for girls.	Trivandrum	9

[Mr. P. K. Narayana Pillai.]

THE NAYAR REGULATION AMENDMENT BILL.

PRESIDENT: The next item on the agenda is the consideration of the report of the Select Committee on the Nair Regulation Amendmet Bill, which will be presented by Mr. K. Paramesvaran Pillai.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to present the report of the Select Committee on the Nayar Regulation Amendment Bill and move that the same be taken up for consideration at this Council.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I second it.

The motion was carried.

Preamble.

MR. C. SANKARA MENON (*Quilon*): I beg to move the following amendment:

Insert "hereby" between "is" and "enacted"; and substitute "follows" for "follow".

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to second that amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to state that the amendments may be accepted. "As follow" in the amended Bill is a mistake for "as follows". The latter word may be inserted in the preamble.

The question that the preamble amended form part of the Bill was put and carried.

The amended preamble was added to the Bill.

Clause I.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In Clause 1, I propose the following amendment in view of some deficiency or ambiguity in the existing provision of the Clause. As the Clause stands at present, it applies to Nayars domiciled in Travancore and to Nayar females domiciled in Travancore who have or shall have marital relations with Nayars not domiciled in Travancore and also non-Nayars whether domiciled in Travancore or not. The Clause as it stands does not apply to the case of a domiciled Travancorean Nayar marrying a Nayar female not domiciled in Travancore. The object of the amendment is to make the Clause apply to the case of a Nayar female not domiciled in Travancore being married to a domiciled Travancorean Nayar. It is in view of that that I make the amendment. The amendment itself is of an alternative nature.

Add "or males" after the word "females", or substitute "Nayars" for "Nayar" and omit the word "females".

Then the Clause would read "Nayar females *or males* domiciled in Travancore," in the one case, or in the other case "*Nayars* domiciled in Travancore," the expression Nayar including males and females. That is the object of the amendment. I commend it to the acceptance of the House.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I beg to second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have no objection in accepting the amendment in the alternative form.

PRESIDENT: Which particular alternative would you accept?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The second alternative.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I regret I have to oppose the amendment. My friend proposes to bring, within the purview of the Regulation, cases where a domiciled Travancorean male marries a non-Travancorean Nayar lady domiciled outside Travancore. If it is only a matter of conferring rights on ladies outside Travancore and not subject to the municipal laws of Travancore, the question may not present serious difficulties. But, on the other hand, rights are created and obligations are also created, under the statute governing the marital relations of a Nayar and his wife. This Council is now asked to define the law that should govern the devolution of property of a non-Nayar Malabar lady. Under the present Bill, the husband becomes the heir to the wife's acquisitions under certain circumstances. Under the law prevailing in Malabar, the position is fundamentally different. The husband has *not* got any rights of succession. It will then be a case of a conflict of laws. It seems to me as a general principle that this Council should not pass a piece of legislation creating liabilities as against people who are neither domiciled in Travancore nor amenable to the municipal laws of the State. That is the difficulty that confronts me. It will be a case of conflict of laws, for under the common law obtaining in Malabar, a woman's self acquisition would go to her children, and in the absence of children it would go to her tarwad. Under the Bill before the House, the succession goes, as I said, to the husband. Could the Travancore Nayar husband prefer a claim to the property of his wife in Malabar? I think it is a real difficulty which I should bring to the notice of the Council and for the consideration of my friend. If both the husband and the wife were resident in Travancore and subject to the same law, the difficulties would not have arisen at all. But if the Travancore Nayar gentleman lives in Travancore and then goes and settles down with his wife outside, how are the questions to be determined? Whose personal law is to be followed? Is it the law of the husband which is controlled by the State, or is it the law of the wife which may be the law obtaining in the locality where the wife is situate? These are practical difficulties which I want this Council to take into account before finally adopting the proposal.

[Mr. P K. Narayana Pillai.]

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): May I ask whether Mr. Krishna Aiyangar is aware of the fact that an exactly similar amendment was accepted with reference to the Ezhava Bill?

RAO BAHADUR K. A KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Might be, it is natural. That does not take away the force of my argument. I would add that, merely because an amendment was accepted in an earlier session of this Council, this Council is not barred from reconsidering its position. In fact, as I submitted, it is a real difficulty involving a principle that is now staring us in the face. I am absolutely indifferent as to what the final conclusion of this Council in regard to this matter is. I only want the Council to consider seriously the implications in the amendment before it comes to a definite conclusion.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, though it was accepted in the Ezhava Bill, I think as the amendment stands it will lead to some difficulty. The clause runs as follows:

"It shall apply to all Nayars domiciled in Travancore, and to such Nayars not so domiciled and non-Nayars, whether so domiciled or not, as have, or shall have, marital relation with Nayar females domiciled in Travancore."

So far as the first portion is concerned, as it will apply to all Nayars domiciled in Travancore, it will include both males and females. Then with regard to the latter portion, even though a person may be a non-Travancorean, if he marries a domiciled Travancorean female, he is subject to this law. And a non-Nayar, if he marries a Travancorean domiciled female, is also subject to this law. If we accept the amendment, it will be that a non-Nayar female may marry a Travancorean male, which is out of the question. As the amendment stands, a non-Nayar may marry a Travancorean male or female. I do not think the Bill contemplates the marriage of a non-Nayar female by a Nayar male. The case contemplated is only the case of a Nayar female or male domiciled in Travancore. In my opinion, the clause as it stands is perfectly safe; I do not think it will lead to complications. That is my individual view.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to the observations of my friend Mr. Krishna Aiyangar, as my friend Mr. Ramakrishna Pillai pointed out, there is the instance of the Ezhava Bill assented to by this Council. At the time of the discussion of the Ezhava Bill, this identical question was raised by me from the non-official side. Then the official side was keen that the amendment that was then proposed should go in, and it was thereupon accepted by the entire House. Then, as to the question of extra-territorial legislation raised by my friend Mr. Krishna Aiyangar, I am sorry he forgets the existing provision in the Clause itself. The existing provision relates to persons who are not domiciled in Travancore, provided such males

marry Nayar females domiciled in Travancore. If, to that extent, extra-territorial legislation is possible, I fail to see why such extra-territorial legislation should not extend to this case also. Again, viewing the general tendency of social legislation, I may also point out that extra-territorial legislation is occasionally resorted to by various colonial legislatures. For example, in the case of bigamy, some American States prohibit and punish bigamy in their own State even if it is contracted outside. May I also point out to the Council the provisions of the Parsi Marriage Act, which invest the British Indian High Courts with certain jurisdiction with respect to the marriage of Parsis? In a case reported in 16 Bombay, 136, the marriage of two Parsis took place not in British India but outside it. The question was raised whether the British Indian Courts had jurisdiction to go into the validity or the invalidity of the marriage in question. The Bombay High Court, in answer to the question, said that, provided the parties were before the court and provided the Statute applied to their case, wheresoever the marriage might have been performed, the court had jurisdiction. Similarly, in the case of a domiciled Travancore Nayar male marrying a female outside with whom marriage is permissible under this Regulation, there cannot be any difficulty for any court to proceed with the case.

Then, with respect to the observation of my friend, Mr. Subba Aiyar, that the Clause, as it stands, is the better form of legislation and not the proposed amendment, I would only point out that the difficulty contemplated by him would not arise. The Nayar Regulation Amendment Bill does not contemplate the case of a Nayar marrying a non-Nayar female at all. My amendment clearly indicates the idea that no marriage of a non-Nayar female is contemplated.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I base my objection only upon that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There will be no difficulty whatsoever. The word non-Nayar will stand only for non-Nayar males. If the learned mover of the Bill is for the expression "Nayars" to stand, I am quite prepared to agree, and withdraw the rest.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to ask Mr. Narayana Pillai whether, among the Parsis, there is any such difference in the law of inheritance as between the Travancore Nayar and the Malabar Nayar.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I fail to see the point in the question.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): It is for the President to disallow the question.

PRESIDENT: I have admitted the question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If I am to answer, I have already answered.

[Mr. M. N. Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall explain my question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is already my answer—I fail to see the point.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall explain. There is the Nayar Regulation in Travancore; there is the Nayar Regulation in Cochin. But there is no Nayar Regulation in British Malabar. We see that some forms are necessary for marriage and that certain results by way of inheritance follow a valid marriage. Such things do not exist in Malabar. Suppose a Nayar female who resides in Malabar, subject to the ordinary Marumakkathayam law, marries a Nair male in Travancore. When such a case arises, supposing our courts give a decree on the basis of our statute and the British Malabar Court gives a decree on the basis of the ordinary Marumakkathayam law, will there not be a collision, and in the case of such collision, which law is to prevail?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I answer?

PRESIDENT: Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): So far as properties situated in Travancore are concerned, the law in Travancore will prevail; and if there is any law existing in British India then that law will prevail there.

PRESIDENT: I shall put the amendment in the form in which it was accepted by the mover of the Bill and also by the mover of the motion, to the vote of the House, *i. e.*,

Substitute "Nayars" for "Nayar" omitting the word "females" in line (3) of sub-clause (2) of Clause 1.

The amendment was put to the vote and carried, 24 voting *for* and 7 *agianst.*

PRESIDENT: I now put Clause 1, as amended, for the vote of the House. I take it that the motion is accepted.

Clause 1, as amended, was added to the Bill.

Clause 2.

The following amendment was not moved:—

MR. M. N. PILLAI (*Trivandrum*): Sub-clause (7). Delete and substitute the following:—

"Karanavan means that member of the tarwad in whom the headship of the tarwad and the right of manegement of its affairs and of the possession of the properties thereof are vested, such person being always the senior adult male member, unless he has been removed or has surrendered his sthanam, in which case the next senior adult male member in the order of seniority becomes such person and, in the absence of any adult male member, the senior adult female member."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the definition of the word "Karanavan" I make three amendments.

Sub-clause (7). First in line 1 the word "major" will have to be inserted after the word "male", and then in line 3, the first "of" will have to be dropped. In line 4, again, the word "major" will have to be added before the expression "female".

The reason of the two amendments is that while it is obligatory that a senior anandaravan should be a male adult member, and in the absence of such adult male member, an adult female member, the definition of the expression "karanavan" does not make it obligatory that he should be a major member at all. The existing Marumakkathayam law certainly says that only the major senior member of the tarwad would be the karanavan and in the absence of such major senior male member and of all adult male members, the major senior female member would be the karanavatti. That is the law at present. In view of this fact, I beg to move that the expression "major" be inserted, after the word "male" in line 1 and before the word "female" in line 4.

The second head of amendment relates to a meaningless "of" occurring in line 3. The sub-clause reads as follows:

"Karanavan" means the senior male member of the tarwad in whom the headship of the tarwad, the right of management of its affairs and of the possession of the properties thereof......".

The word "of" occurring before the word "possession" has little sense. In such view of the matter, I submit that all the above mentioned three amendments may be accepted.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated (Deputy President)*): I second the motion.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I accept the first and the third amendments, *i. e.*, the addition of the word "major" before "senior male" and "senior female".

PRESIDENT: You do not accept the omission of the word "of"?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It appears to me that the word "of" is properly placed there, for this reason—that what is vested in karanavan is the *right* of management and the right of possession of the properties. Therefore I oppose the amendment to delete the word "of". If "of" is removed, it will not be the right of possession of properties that will be vested in the karanavan, but possession merely. It is intended that the right of management and the rightof possession should both be vested in the karanavan. And I have therefore to oppose the amendment in regard to the deletion of the word "of". But I accept the other two amendments.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know from Mr. Paramesvaran Pillai whether it is not necessary that a tarwad should have a karanavan? If the amendment is accepted as suggested

[Mr. T. K. Velu Pillai.]

by Mr. Parameswaran Pillai there is a difficulty. A family may consist of only minors. In that case there will be no karanavan.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In that case, the court will be the guardian of the minors. No minor can be the karanavan of a tarwad.

PRESIDENT: Do you accept the retention of the word "of", Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No. I do not.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I agree with Mr. Paramesvaran Pillai that the first and the third amendments have to be accepted, but not the second. The karanavan has a *right* to be in possession of the property, although possession as a matter of fact may be with junior members or with others. So it is *the right to possession* that is contemplated. "*To* possession" or "*of* the possession" does not make any difference, though the former will be better. I believe the word "of" is rightly placed there and need not be deleted. The first and the third amendments may be accepted.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am for omitting the word "of". Three separate ideas are combined in that sub-section. One is the headship of the tarwad, the second is the right of management, and the third, although it is expressed only as the possession, it is the actual possession of the properties. The first is a status, the second a right and the third an actuality. Moreover, the phrase "of its affairs and of the possession of the properties thereof" is so cumbrous and so ugly. And the factum of possession which is the most important thing in this connection is emphasised by omitting the word "of" because the distinction between the status of headship, the right of possession and the factum of possession has to be maintained. I am therefore for omitting the word "of".

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I have no objection to accept the first and the third amendments. But I oppose the second amendment, *viz.*, the deletion of the word "of". The definition is, as will be seen, an adaptation of the existing definition in Regulation I of 1088. The idea is that the right of management and the right of possession should be vested in the karanavan. In cases where the karanavan may not be in the locality and is living far away from the tarwad it is clear that the karanavan should be entitled to the possession, though he may not be at the place in actual possession. Mr. Velu Pillai said that the insertion of the word "of" in the sub-clause would make it awkward. I do not see any awkwardness there, because, as it stands, the intention will be clear that "the right of management of its affairs and the right of possession" are also to be vested in the karanavan. But I have no objection to take away the word "the" after "of".

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Ramakrishna Pillai whether there is no distinction between a right to possession and actual possession?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): There is a difference. It is exactly because there is a difference that the retention of the word "of" is necessary.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I agree with my friend Mr. Paramesvaran Pillai, in regard to the retention of the word "of", because our courts will create difficulty if we delete it. A karanavan is one in whom the right of management must also become vested. If the word "of" is taken away, the Clause, as it is, would mean that actual possession of properties must be vested in a man if he is to be called a karanavan. As has been pointed out by Mr. N. Ramakrishna Pillai, the karanavan of a tarwad may be an officer elsewhere. The actual possession of the properties may be with some junior members of the tarwad. If that officer comes forward and pleads before the court that he is the karanavan, this Clause will create difficulties. The court will say that the actual possession of the properties is not vested in him, and hence he is not the karanavan.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know if, in the case of the karanavan, the right to possession of tarwad properties is in law the same thing as actual possession?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I draw some distinction between the two.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If a karanavan has a right of possession he has got actual possession in law.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): If that is so, there is no harm in retaining the Clause as it is and there is no necessity for omitting the word "of" at all. I am in favour of the other amendments proposed by Mr. P. K. Narayana Pillai.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I would accept amendments 1 and 3. I would, however, put the word "major" *before* the word "male" instead of *after* it.

PRESIDENT: Is that not what Mr. P. K. Narayana Pillai wants?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With the permission of those who have supported me, I have no objection to adopt that amendment.

I am sorry that, in spite of the arguments of my friends Mr. Changanachery Paramesvaran Pillai and those who have supported him, I am unable to find my way to retain the word "of". If we retain the word "of", the Clause will be ridiculous. If they are very particular in retaining the word "of" and then make some further amendments in the Clause—

PRESIDENT: They do not make any further amendments.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If they do not make any further amendments, then it will be easily seen that it is ungrammatical. The Clause reads as follows:

"Karanavan means the senior male member of the tarwad in whom the headship of the tarwad, the right of management of its affairs and of the possession of the properties thereof, are vested in law, and, in the absence of such male member, the senior female member."

[President.]

There are only two things contemplated. Headship of the tarwad and the right. Therefore there should be inserted the word "and" between "headship" and "right". That is not proposed by them. In their view of the reading of the Clause, "karanavan" means senior male member of the tarwad in whom the headship of the tarwad and the right of management of its affairs and of the possession of the properties thereof are vested. They do not propose any such thing. Then again, they are keen about right to possession and not about the right of possession. That is not the expression used there. Further questions have been raised as to in whom as a matter of fact are the properties vested. That is a question to be answered by the Legislature. Such being the case, the Legislature should clearly define in whom the possession of the properties should be vested. My friend Mr. Subba Aiyar said that the properties of the *tarwad* might be vested in the junior member.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said possession.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If he is going to argue that as a proposition of law, I am not going to agree with him. No doubt, a karanavan may execute documents and alienate properties. In that case, the definition would lack a necessary item regarding the karanavan, that is to say, the question in whom are the properties vested in law. The possession that is meant in the Clause is the possession in law and that is virtually tantamount to right to possession. It may be that it is outstanding with various persons. But a karanavan has possession in law and as such the objection raised with respect to the second amendment seems to be absolutely untenable. When the word "of" is dropped, the whole thing would run smooth and the retention of "of" makes the sentence faulty in grammer. If my friend Mr. K. Paramesvaran Pillai still persists, I press the amendment to vote.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to know from Mr. Narayana Pillai whether that does not occur in the existing Regulation and whether it has created any complication or difficulty.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am glad to answer my friend. As my friend the Deputy President put it, because there is a provision in a previous Regulation, because we committed a mistake on a previous occasion, that is no reason why we should perpetuate the same mistake when it is found out. It is the blind following of the existing provisions that has landed us in difficulties.

PRESIDENT: I shall split up the amendments into two parts. I shall first put the first part of the amendment to the vote with the alterations as accepted by the mover, *i. e.*, that the word "major" be inserted before the word "male" and before the word "female" in lines 1 and 4.

The amendments were carried by the House.

PRESIDENT: The next part of the amendment is that the word "of" be omitted.

The amendment was put to the vote and carried, 17 voting *for* and 12 *against*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The next amendment is with respect to the definition of the expression "senior anandaravan" (sub-clause 9). I move that the existing difinition be deleted and the following substituted:

"*Senior anandaravan means the anandaravan who for the time being is the next in the order of succession to karanavasthanam in the tarwad*".

The existing definition runs as follows:—

"Senior anandaravan means the major male anandaravan next in age to the karanavan, and, in the absence of such anandaravan, the senior major female among the anandaravars".

Now, this definition does not take into account certain contingencies which may occur in a Malabar *tarwad*. There is the possibility of certain karanavans and karanavattis being removed from office. There is also the possibility of some of them abdicating their office. I will take the instance of a particular *tarwad* consisting of two major females and three minor male children. In such a case, the senior female adult member would be the karanavatti. And if she is removed from karanavasthanam at the instance of the next adult senior member, she would at once sink down to the level of a junior member and the second female would become the karanavatti. Suppose, after the second female member becomes karanavatti, one of the males attains majority and becomes the karanavan. In such a contingency who is the senior anandaravan? According to the definition, the deposed karanavatti would be the senior anandaravan. I am sorry I cannot agree to a provision which would recognise the deposed karanavan as senior anandaravan. The function of the senior anandaravan under the various clauses of this particular Bill creates certain presumptions. He is, as it were, the man to safeguard the interests of the *tarwad* and his junction raises the presumption that it is in the interests of the *tarwad* that a particular transaction has been entered into. Such being the case, to call a deposed karnavan a senior anandaravan would be wholly a dangerous position. In view of that fact, I would propose the amendment, which unfortunately has got one small clerical error in the matter of the omission of the expression "major". With the permission of the President, I would add that the amendment be treated as "*Senior anandaravan means the major anandaravan who for the time being is the next in the order of succession to karanavasthanam in the tarwad*". I would recommend this definition. In fact it is the senior anandaravan that has to succeed to the karanavan's office. The deposed karanavan and karanavatti may be so placed in the order of succession to karanavasthanam that they will have to be perpetually treated as junior members So I am moving this definition as a substitute for the existing definition.

[Mr. V. Subba Aiyar.]

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I beg to second the amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I oppose the amendment. I think the existing definition is sufficiently wide. This is not a new definition. It is in the Nayar Regulation, I of 1088. No serious inconvenience has been felt on account of it and it is now merely transcribed from that Regulation and no amendment has been made in it. Although Mr. P. K. Narayana Pillai's amendment is equally good, I do not think any change need be made in it, as it has been existing for a long time and as the same definition is found in the Ezhava Regulation also. I therefore oppose the amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mr. Parsmesvaran Pillai says that the existing definition and Mr. Narayana Pillai's definition are equally good. It is not his case that the adoption of Mr. Narayana Pillai's amendment would work any kind of harm. We have to bear in mind the fact that Mr. Narayana Pillai has clearly pointed out certain defects. We need not leave it to the courts to construe the Section at the time disputes are raised; and when the matter has been placed before us, we should accept Mr. Narayana Pillai's amendment, especially because Mr. Paramesvaran Pillai has admitted that it does not prejudice the case. In subsequent Sections of the Bill, it will be found that the association of the senior anandaravan with the karanavan is necessary for certain purposes and that the courts have to construe that section. It is better that the law is laid down explicitly. I may once more mention that Mr. Paramesvaran Pillai, the learned mover, has not said that Mr. Narayana Pillai's amendment changes the meaning. In the light of that admission, I would press the amendment for the favourable consideration of the House.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not think that Mr. Narayana Pillai's amendment is only a verbal amendment. It goes to the root of the whole thing. According to him, if a karanavan is removed, he has no right to be even the senior anandaravan, but he becomes the juniormost anandaravan. I do not think that any court has gone to that extent, namely, that, if a karanavan is deposed, he ceases to hold the position of even a senior anandaravan. That being the case, I have very strong objection to accepting the amendment as it has been moved by Mr. P. K. Narayana Pillai. In the instance suggested by Mr. Narayana Pillai, the question may arise as to who is to become the senior anandaravan of a tarwad in which all the male members are minors, of whom one becomes a major. In such a case, such a minor male member becomes the karanavan as soon as he becomes a major. The woman who happens to be the karanavan ceases to be the karanavan as soon as any minor male member becomes major. It is only in the absence of minor males that a woman can become the karanavan, and that only for the

time being. Further, in all these cases, as Mr. K. Paramesvaran Pillai indicated, any slight change in the wording will make, at any rate, the courts believe that a serious change has been made and they would be rather troubled much to find out what exactly the intention of the Legislature was, since it would not be possible to read the proceedings of the Council in courts. It is the recognised principle that in similar enactments the same wording should be used and the wording in the Bill has been accepted in the Ezhava Bill. It would be the better and the safer course not to change the wording as far as possible. In view of these facts, I believe Mr. P. K. Narayana Pillai will be inclined to withdraw his amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, the learned mover observes that my definition is as good as the existing definition. I pointed out certain difficulties to which he had nothing to say. The difficulties, therefore, remain unanswered. Mr. Subba Aiyar attempted to answer a portion of it without understanding the point that I raised. I did not raise the question as to how a karanavan is to be selected in a tarwad where there are minor male members as well as female members. That I can answer easily. The question that I raised related to the position of the senior anandaravan in a family consisting of major female members one of whom happened to be deposed from karanavasthanam. It is with respect to that that I put forward an illustration. Mr. Subba Aiyar avoided that portion of the matter and found fault with my amendment. He seems to think that a karanavan deposed from karanavasthanam must be the senior anandaravan in the *tarwad*. That, practically, is the position he adopted. But, unfortunately, the existing definition itself is against that position. It says that it is the anandaravan *next in age* to the karanavan that would be the senior anandaravan. Therefore, the deposed karanavan cannot be the senior anandaravan. I only pointed out a case of a *tarwad* consisting of female members of whom the karanavatti happens to be removed from karanavasthanam. In such a case, the deposed karanavatti becoming the senior anandaraval, I said, would be unwelcome. Therefore, the existing definition itself is in favour of the view that I take, *viz.*, that a deposed karanavan must never be the senior anandaravan.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I draw the attention of Mr. P. K. Narayana Pillai to the definition of the term *anandaravan*? It is clearly stated that there could be only one karanavan and that all the members except the karanavan are anandaravars.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is true. But I speak only so far as the definition of senior anandaravan is concerned. I wish to draw the attention of Mr. Subba Aiyar to the existing definition which says "*next in age to the karanavan*". I am only at the definition of the senior anandaravan now. Therefore, even the existing definition recognises the impossibility of a removed karanavan being the senior anandaravan. Such being the case, my attempt to assimilate the position of a deposed karanavan to that of the

[Mr. V. Subba Aiyar.]

juniormost member of the *tarwad* is not in correct. The Legislature itself has done that. I only wanted to avoid another contingency in which a removed karanavan becomes the senior anandaravan. It is only for that that I brought forward the amendment. Therefore, I am sorry that I cannot give way to the opposition raised.

PRESIDENT: I shall put the amendment as corrected, *i. e.*, with the word 'major' inserted before 'anandaravan'. The amendment is:—

"*Substitute the following for the definition of 'senior anandaravan' in Claue 2 (9)*:

'*Senior anandaravan means the major anandaravan who, for the time being, is the next in the order of succession to karanavasthanam in the tarwad*'.

The amendment was put and carried, 19 voting *for* and 8 *against*.

The following amendments were not moved:—

MR. M. N. PILLAI (*Trivandrum*): Sub-clause (9). Delete and substitute the following:—

"Senior anandaravan means the major male anandaravan senior in age among the anandaravans and, in the absence of such anandaravan, the senior major female among the anandaravars."

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Sub-clause (9). Add the following explanation:—

"Explanation.—A deposed karanavan will come under this definition."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanam-titta*): Sub-clause (9). Add the following proviso:—

"Provided that a karanavan removed from karanavasthanam shall be considered as a senior anandaravan in preference to the major male anandaravan next in age to the karanavan."

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, my amendment is only a consequential amendment. It may be taken as part of Section 45. It is consequential upon Section 45 being deleted or not.

PRESIDENT: That may be. But do you move this or not?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): The expression 'prescribed' occurs only in Section 45. If Section 45 is accepted, of course, the definition should stand. If it is deleted, this definition should go. So it is consequential upon Section 45 being accepted or not. It may be postponed till the discussion of Section 45. I have no objection to move it even now.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It will be better to move it later on.

PRESIDENT: Then it may stand over.

MR. M. N. PILLAI (*Trivandrum*): Sir, I move that the following be added as sub-clause (12):—

"*Separate property is properly obtained by gift, bequest, inheritance or on partition from tarwad properties and includes the property obtained on partition of tarwad properties by a female.*"

The words 'separate property' have not been defined in this Bill; but the words occur very many times in the body of the Bill. According to the existing law, property obtained by a Nayar woman on partition of *tarwad* property is still *tarwad* property. In the case of the woman, when she begets children, as that law is not specifically repealed by any provision of the Bill, the old law has to be presumed to exist even according to the present Bill. There is great difference between a male's share in partition and a female's share in partition. The male gets absolute right over such property, but the female has no such right over such property. If they get children, the property becomes vested in the children and not in them. I think that they must be made equal in this matter. Therefore, I want to define 'separate property' in such a way as to include property obtained by a Nayar woman on partition also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I oppose the amendment, because I do not think any definition of 'separate property' is required, since the expression is itself sufficiently clear. In my humble opinion, what a woman gets on partition of *tarwad* property can be her separate property if she has no children. If, on the other hand, the expression 'separate property' is not sufficiently clear to mean that what a woman gets as her share on the partition of the *tarwad* property will not be her separate property, even then I would like to leave it there, because, even without a definition of 'property', the result will be that what a woman gets on partition of *tarwad* property would be generally the property of herself and her children to be subsequently born and not separate property. Anything further I do not wish and, therefore, I oppose this amendment and leave the expression to be understood in its natural sense.

MR. M. N. PILLAI (*Trivandrum*): I have nothing more to say by way of reply. I have said what I had to say.

PRESIDENT: Do you wish to withdraw your amendment?

MR. M. N. PILLAI (*Trivandrum*): No, I do not withdraw.

PRESIDENT: You want to press it to a division?

MR. M. N. PILLAI (*Trivandrum*): Yes.

The amendment was then put to the vote and lost, 5 voting *for* and 11 *against*.

PRESIDENT: Clause 2 can be finally incorporated in the Bill after Mr. Ramakrishna Pillai's amendment is disposed of.

[Mr. P. K. Narayana Pillai.]

Clause 3.

The following amendment was not moved :—

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Add the following proviso also :—

"Provided that every marriage shall be registered in accordance with such rules as may be prescribed by the Government in that behalf and provided also that the Government shall have power, in prescribing such rules, to prescribe such penalties as they may deem fit for their enforcement."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : At the end of the last paragraph, I propose an amendment. As it stands, the Bill says that, in the case of marriage between parties one of whom happens to be a minor, unless it is performed with the consent of the guardian, it will be invalid. This is how the proviso now runs :—

"Provided that in conjugal unions so solemnised after the date on which Regulation I of 1088 came into force, in the case of a male who has not completed 18 years of age, or of a female who has not completed 16 years of age, such conjugal union shall not be deemed to be a valid marriage unless it took place or takes place with the consent of his or her legal guardian."

Without the consent of the legal guardian of any person who is a male and who happens to be under 18 years of age, or of a female who happens to be under 16 years of age, if any marriage takes place, it may be contended at any time after the wife has given birth to a number of children and perhaps when the husband and wife happen to be 60 and 50 years old respectively, that their conjugal union is invalid, because the marriage has not taken place with the consent of the legal guardian; and if it is proved to the satisfaction of a court of law that there has not been the consent of the legal guardian to such marriage, all the children would be sufferers so far as their inheritance is concerned and they would be stamped bastards. The husband and wife will not have any rights against each other and all manner of difficulties not now contemplated would spring up from such a situation. It is also a very bad policy that such a marriage, which has been continuing for a number of years after the husband and the wife have attained 18 and 16 years of age respectively, must be invalidated simply because it has been found that there was not originally the consent of the legal guardian at the time of the marriage. Why not take the continuance of their conjugal union after the attainment of their majority as a ratification of the marriage, thereby validating the marriage? It is with that object that I propose the following addition :—

"Or unless such conjugal union is adopted and continued after the attainment of 18 or 16 years of age, as the case may be, by the party or parties concerned."

Another consideration that I bring forward in respect of the amendment is that, if the marriage is adopted and continued by the parties after the attainment of 18 and 16 years of age respectively, as the case may be, such marriage should be viewed as valid. It is with that object that I

propose the amendment and I recommend it for the acceptance of the House.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I am not satisfied that the danger pointed out is very serious in as much as there is a strong presumption of law in the case of persons living together as husband and wife, in favour of their marital relationship. Nevertheless, I have no objection to accept the principle of this amendment, provided its wording is slightly altered. I would put it thus:—

"Unless such conjugal union is ratified by conduct after attaining 18 and 16 years of age, as the case may be, by the party or parties concerned."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is only the question of language surviving in that matter. My friend objects to the use of the expression 'adopted.' I purposely used it, because, after attaining 18 and 16 years of age, the parties themselves are able to give their own consent so far as the marriage is concerned. If they adopt the marriage which was entered into before the attainment of 18 and 16 years of age, as the case may be, their adoption of such a marriage after attainment of 18 or 16 years of age is the same as ratification. If my friend thinks that there is some distinct advantage in the word 'ratified—'

PRESIDENT: 'Ratified by conduct'—that is what he wants.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I would object to that. What should be the length of conduct in order that it might amount to ratification would be another question. So I would submit that 'adopted and continued' or 'accepted and continued' would do.

PRESIDENT: I would put the amendment in the form in which it has been moved.

The amendment was put and carried.

MR. C. SANKARA MENON (*Quilon*): The first part of my amendment I do not press, in view of the fact that most of the Nayar members do not consider it necessary.

PRESIDENT: You need not give any reasons. Are you moving it or not?

MR. C. SANKARA MENON (*Quilon*): No, I do not move the first part *viz.*, the following:—

"Delete the proviso and add as Clause 3 (*a*) the following:

The age for marriage shall be 18 years complete for females and 25 years complete for males.

I move the alternative amendment *viz.*, that the following be added at the end of the proviso:—

"*Such consent shall be recorded in the form prescribed before the Registrar of Assurances within whose jurisdiction the marriage takes place within one month from the date of marriage. Parties so failing shall be liable to pay a fine of Rs. 50, and in default of payment of fine, to simple imprisonment for a term not exceeding one month.*"

[President.]

The object of the amendment is the same as that stated by Mr. P. K. Narayana Pillai. Under the Section as it is worded at present, if the parties to a marriage were minors at the time of the marriage, there ought to be the consent of the guardian, and if there was no such consent the marriage would be absolutely void and not merely voidable. Mr. P. K. Narayana Pillai's amendment does not meet all the contingencies and difficulties that might be created by the Section. A marriage may be performed when the bride is 13 or 14 years old and she may have children when she is 15. Probably, the husband may die soon after, and the inheritance may be the point at issue. Then the consent of the guardians to the marriage might be questioned. Even the parents might have died. In such a case, it would be very difficult to prove the consent. No doubt I am aware that the existing provision has been adopted from Regulation I of 1088. Difficulties hereafter will be greater, for the children succeed to the whole of the property of the father. Therefore, there will be disputes, with regard to the inheritance, about the *factum* and the consent of the marriage. I think, therefore, that there should be some public record of consent. I do not find any practical difficulty or objection in having a record of such consent. If it is the consent of the parties to the marriage, there may be some objections to the parties going to the public office for recording their consent. But, if it is the consent of the guardian, I do not find any practical objection in recording the consent in some public office. Therefore, I move this amendment that the consent of the guardian must be recorded.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Will Mr. Sankara Menon illustrate the position? It is stated "parties so failing". By 'parties' whom does he mean, and 'failing' in doing what? Does he mean the guardians or the parties to the marriage?

MR. C. SANKARA MENON (*Quilon*): It is not the guardian only that is meant. One party may be an adult. The bridegroom may be of adult age. In such a case it refers to the adult party of the marriage also.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Failing to do what?

MR. C. SANKARA MENON (*Quilon*): Failing to record the consent.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): The act of recording the consent has to be done by the recording officer, as the amendment goes.

MR. C. SANKARA MENON (*Quilon*): It refers to the parties who are to record.

PRESIDENT: What you mean is "failing to have the consent recorded." Whether the word 'parties' applies to the guardian or to the parties to the marriage is not clear.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The amendment really, Sir, consists of two parts.

PRESIDENT: The first part has not been moved.

RAO BAHADUR K.A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The particular amendment itself consists of two parts.

PRESIDENT: The amendment has not been seconded.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I wish to second it so far as the first part is concerned, if my friend is willing to withdraw the second part.

PRESIDENT: As it stands, are you prepared to second it?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): No.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The amendmend really consists of two parts. The first part relates to the recording of the consent before the Registrar of Assurances The second part fixes a penalty for failure to discharge that duty. The first part of it seems to be necessary, because, according to the proviso, which has been already accepted by the House, no marriage between minors not assented to by their guardians is valid. The House has practically committed itself to that view.

PRESIDENT: And not ratified by the party by their conduct after the attainment of 18 or 16 years of age, as the case may be.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The ratification, if the couple live fairly long after attaining majority, would be very satisfactorily proved by their course of conduct. But supposing one of them dies before attaining the age of 18 or 16, a difficulty will arise. In such circumstances, the only way in which such a marriage could be proved to have been a valid marriage would be to prove the consent of the guardian at the time of the marriage itself. Very satisfactory record contemporaneous with the marriage or very soon after the performance of the marriage will go a very long way to settle the question conclusively much better than oral evidence. My friends may say that, in the general scheme of marriage contemplated by the Regulation, no documentary evidence is contemplated.

The consequences would be serious if a marriage should be declared invalid because the parties are not able to prove consent as a matter of fact when the guardian has assented. If there was evidence available, the law should make it obligatory on the guardian concerned to register his assent before some prescribed authority. The difficulties anticipated now will be avoided and all facilities will be available for establishing not merely the *factum* of the marriage, but the assent of the guardian which is more important. So, in that view, I am for supporting the first part. The other ought to come in as a more comprehensive section under rules framed by Government, because this is not the only offence for which penalties have to be prescribed later on.

[Mr. T. K. Velu Pillai.]

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I fear the difficulty is not obviated by accepting the first portion alone and by rejecting the second portion of the provision. The first portion runs like this:

"Such consent shall be recorded in the form prescribed for the purpose before the Registrar of Assurances within whose jurisdiction the marriage takes place within one month from the date of marriage."

It has not been made obligatory upon the guardians to go and give their consent before the Registrar of Assurances. In the absence of the guardians going within the prescribed period and recording their consent, the only presumption that follows is that their consent has not been given. So, in order to retain the sense of it, there must be a clause making it obligatory upon the guardians to give or to record their consent within a stated time. As regards the second clause, it has to be deleted in any case.

Even after it has been made obligatory upon the guardians, if they do not go and record their consent, they cannot be punished, for they may come forward and say: "We do not intend to give consent and, therefore we did not have the consent recorded." That certainly is too much; so, I would oppose the whole of the proviso as it stands.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I oppose the amendment. The *factum* of marriage between Nayars is not more difficult to prove than marriage among other communities. Section 3 requires that the marriage of Nayars should be openly solemnised by the presentation of cloth. That can be easily proved. And when it could be proved, it is also easy to prove the consent of the guardian if, as a matter of fact, a guardian has given his consent. Without the consent of the guardian it is impossible for any young person to *openly* solemnise the marriage. My learned friend, Mr. Sankara Menon said that, in case one of the parties to a marriage died during minority the inheritance of the children might suffer because the marriage would not be valid. But there is the case of the woman dying before she attains her majority after giving birth to children. Let us also take the case of girls having no guardians. Therefore the Section is not wide enough to provide for all these cases. It is only a partial solution that my friend would propose for the benefit of those poor minors who, for some reason or other, enter into marriages without their guardians' consent.

No doubt, registration of consent before a Registrar of Assurances is one of the ways of proving consent. But as we know often, registration is not *ipso facto* a concluding proof, because there may be questions of personation, and there may be questions of undue influence or mistake. All these chances have to be reckoned with. So I fail to see how any party would be benefited by recording the consent before the Registrar of Assurances. Sir, I attach a good deal of weight to the circumstance that though Nayars were in existence on the face of the globe for hundreds and even thousands of years and although children

have been born and have grown up well and died—and this has been going on from generation to generation—there has not been any difficulty because marriages here are not registered.

Our law is the same as that prevailing among other important communities.

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask my friend whether a marriage under the Hindu law or Christian law once effected does not become invalid because of the minority of the party concerned and state that Regulation I of 1088 actually contemplates the declaration of these marriages as invalid?

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am aware of that certainly. My explanation is this. Even though there is no consent, when the parties were not majors at the time of the marriage and even though there was no guardian to give his consent, still by open conduct and by open ratification the marriage between minors might be validated. Therefore the question of invalidity of marriage does not arise in the light of the amendment that this Council has to accept. Moreover it is enough to prove the factum of marriage by oral evidence if the fact of the marriage is ever called into question. I am not at all in favour of stigmatising the Nayar community as regards the way in which the Nayar marriages are conducted. It is a matter of prestige and our usages do sanction this by long custom. For these reasons, I oppose the amendment.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I object to this provision. The provision is for a kind of registration of marriages where either or both parties to a marriage are minors. This question has been more than once raised in this Council in connection with the Ezhava Bill and it has been objected to very strongly. Now this appears to me to be a very dangerous Section if it is put into practice. If such a provision should find a place in the Bill the people in the mofussil and in far off places may be ignorant of the existence of such a provision and they may not give information to the required authority or record their consent. Supposing there are several cases in which such information is not given to the required authority and such marriages are questioned in courts of law, but no record was made that the consent of the guardian was not recorded before the proper authority, that fact will be treated as a very strong piece of evidence—in fact as an irrefutable presumption against the form of marriage itself. So it appears to me that in the present circumstance of the country such a provision will lead to very dangerous consequences.

In regard to a similar provision in the Cochin Regulation, my friend Mr. Sankara Menon himself was telling me that the rule was more honoured in the breach there than in the observance. So it appears to me that the same will be the result here also. When the factum of a marriage is questioned, the presumption in the absence of such records will be that it did not take place. It is therefore that I submit that a provision like this will lead to dangerous consequences. For these reasons, I strongly oppose the amendment.

[President.]

MR. C. SANKARA MENON (*Quilon*): With regard to the first portion of the amendment, I have no objection to accept the suggestion of my friend Mr. Krishna Aiyangar. It is not the question of the factum of marriage that is going to be disputed as Mr. Paramesvaran Pillai or Mr. Velu Pillai wants us to understand. But it is a question of consent which will have to be proved. Mr. Velu Pillai says that, when a marriage is celebrated openly, there ought to be a presumption of consent.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): No, I did not say that. What I said was that marriages were openly solemnised. In cases where there are guardians, their consent may easily be proved.

MR. C. SANKARA MENON (*Quilon*): I know of several cases where there had been conflict of opinion between the karanavan and the father. The karanavan wanted to dispose of the girl to a particular man and the father wanted to dispose of her to another. Now the present Regulation makes it a duty upon the guardian to give the consent. The guardian being the father, in the absence of such consent the marriage will be absolutely void and not merely voidable. To avoid such a contingency, it seems to me that a provision such as the one I suggest will meet with the approval of the House as I do not find any practical difficulty in the working of the same. Even now, when a marriage is arranged, the guardians before the performance of the ceremony exchange letters. Now what I ask the House is only to legalise the system, so that there may be a public record for the consent of the marriage. Therefore I would press the House to accept this amendment.

PRESIDENT: What about the second part?

MR. C. SANKARA MENON (*Quilon*): I am in agreement with Mr. Krishna Aiyangar and I withdraw the second part.

PRESIDENT: The amendment may be split up into two parts and put to vote.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I oppose the splitting of the amendment.

PRESIDENT: I can split it up and put it to the vote of the House. I am afraid that, in the circumstances of the case, I have to split up the amendment. I shall place before the House for its vote the first part of the amendment which runs as follows:—

"*Such consent shall be recorded in the form prescribed for the purpose before the Registrar of Assurances within whose jurisdiction the marriage takes place within one month from the date of marriage.*"

The amendment was lost.

PRESIDENT: Now I think the House will have no difficulty in permitting the mover to withdraw the latter portion of the amendment.

The latter portion was, by leave, withdrawn.

MR. C. SANKARA MENON (*Quilon*): I do not move the following two amendments as they are consequential upon the previous amendment.

MR. C. SANKARA MENON (*Quilon*): Line 8.

Insert "in accordance with the provisions of that Regulation" between "date" and "shall."

MR. C. SANKARA MENON (*Quilon*): Add the following as Clause 4 and renumber the subsequent Clauses accordingly:—

"No marriage shall be deemed void or invalid by reason of under-age of the parties to the union if consummation follows, but if the parties or any of them are not minors or is not a minor, in which case, the guardian or guardians and all those who aid and abet them shall be punished with a fine not exceeding Rs. 50 and in default of payment of fine with simple imprisonment for a period of one month".

Clause 3, as amended, was added to the Bill.

Clause 4.

MR. C. SANKARA MENON (*Quilon*): Sir, I beg to move that the following be added at the end of Clause 4, sub-clause (i):—

"*By either party renouncing Hinduism or becoming an outcaste*".

Caste is a peculiar feature of Hinduism and renunciation of Hinduism entails degradation from caste, which must *ipso facto* dissolve marriage. Under the Hindu Law, conversion to another religion entails forfeiture of rights to property and that is the law in Travancore. In 4 T. L. R. 12, it has been held as follows:

"It is undoubted law that as well under the Hindu Law as under the archaic system of that law prevailing in Malabar and Travancore, degradation from caste which accompanies conversion to Christianity or Mahomedanism entails forfeiture of civil status and deprives him of his capacity to inherit. The convert is no longer regarded as a member of or coparcener of the family to which he originally belonged and his conversion operates to dissolve as far as he is concerned the tie which bound the family together".

Therefore when a Hindu becomes a convert or an outcaste the marriage is also dissolved.

MR. A. HOOGEWERF (*Nominated*): May I know whether a Hindu who becomes a member of the Brahmo Samaj ceases to be a Hindu?

MR. C. SANKARA MENON (*Quilon*): If Brahmo Samaj is different from Hinduism he forfeits his right.

MR. A. HOOGEWERF (*Nominated*): Does he become an outcaste?

MR. C. SANKARA MENON (*Quilon*): If he suffers a degradation from caste

PRESIDENT: That does not arise here. That is a separate question.

MR. C. SANKARA MENON (*Quilon*): Therefore, on the same principle also, I say that, when a person becomes an outcaste, he loses his rights and so the marriage also must be dissolved.

[Mr. A. Hoogewerf.]

MR. A. HOOGEWERF (*Nominated*): When does a person become an outcaste?

MR. C. SANKARA MENON (*Quilon*): When he is excommunicated by the command of His Highness the Maha Raja who is the social and the spiritual head of the society.

MR. A. HOOGEWERF (*Nominated*): I rise to a point of order. The member is bringing in His Highness' name.

PRESIDENT: That is the custom. You may recognise it or not.

MR. C. SANKARA MENON (*Quilon*): Yes, that is the custom. In Section 5, in the last line it is provided that " except where such respondent has renounced Hinduism or has embraced another religion " no compensation need be paid for a divorce. There may be such cases. There the fact of conversion or embracing another religion must necessarily dissolve the marriage.

MR. A. HOOGEWERF (*Nominated*): I wish to know whether caste is a dogma or doctrine of Hinduism.

PRESIDENT: All that does not arise.

MR. C. SANKARA MENON (*Quilon*): It must apply to outcastes. We are not legislating for civil marriages in the Nayar Bill. Therefore these things cannot be sanctioned by a Nayar Regulation for which other provisions will have to be made. Therefore I propose that my amendment be accepted.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I oppose the amendment. I think according to Section 4 a marriage can be dissolved without any reason for the same. It is unnecessary to add this amendment under this Section. Moreover, if the amendment is added to this section, and if one of the parties to a marriage becomes a Buddist or a Sikh or renounces Hinduism without embracing any other religion, the marriage must *ipso facto* be dissolved. Then with regard to the question of a man becoming an outcaste, I may say that the tendency at present is towards the abolition of the caste system. Among the Nayars there were certain features of caste some time ago. Now these features are being gradually obliterated. So if this amendment is introduced in the Nayar Bill and interpreted by courts, I think caste system will become permanent in the community. So I oppose the amendment.

MR. A. HOOGEWERF (*Nominated*): I also strongly oppose the motion. I think the amendment to Clause 5 is bad enough, *i. e.*, "except where such respondent has renounced Hinduism and has embraced another religion." But this, which makes him an out-caste also, takes the cake. There, only religion is penalised, but here, Mr. Sankara

Menon has introduced the caste also, for which he was unable to give me a satisfactory answer. With regard to this amendment and the addition made by my friend Mr. Sankara Menon, I propose to speak when Mr. Panjikaran's amendment to Clause 5 comes before the Council for discussion.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Sir, I would accept the first part of the amendment "by either party renouncing Hinduism". But the second part I do not accept. Sir, it is very difficult to define the term "outcaste" here.

PRESIDENT: Nobody would settle it here. It has got to be settled elsewhere.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Unless it is defined, how can I support it?

PRESIDENT: It has to be established before a proper tribunal that a man or woman has become an outcaste.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Anyhow I would not support the second part but only the first.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to support the first part of the amendment. Mr. Hoogewerf in his breadth of cosmopolitan vision has objected virtually to the maintenance of caste. I certainly sympathise with him and respect his feelings as a Christian. I would also be happy to recognise the feelings of Mahomedans when they say that there should not be any caste system. But standing here, Sir, as a Hindu—

MR. A. HOOGEWERF (*Nominated*): I beg to explain. I did not speak exactly in the capacity of a Christian at all here.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not hear.

PRESIDENT: Mr. Hoogewerf says that he did not speak as a Christian and that he did not speak of Christianity at all.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): My meaning is this—the catholicity of a Christian will enable him to accept that view. It is a matter for praise. I suppose Mr. Hoogewerf is satisfied. Mr. Hoogewerf does not object to my praising him. I am one of those who think that the caste system, whatever its demerits, may have to be maintained unless, I think, the several communities in India are all prepared to make up their mind that they would violate the principles of caste. It has been evident, Sir, that communities are interested in seeing differences removed between themselves and others. But with all the talk and with all the agitation—and the commendable agitation I would say—we do not find even the so-called advanced Hindus being prepared to abolish caste. If any one belonging to a higher caste would go and ask for the daughter of a Pulaya, the Pulaya would say: "Alright, Tampuran, I cannot give my daughter in marriage to you, because I shall be excommunicated". At the time the Ezhava Bill was under contemplation, in spite of the fact that Eazhavas tried to do

[Mr. T. K. Velu Pillai.]

away with the caste system, in spite of the fact that their revered *guru* is in favour of removing the evil, still we find that marriages are validated by the Ezhava Regulation only if between an Ezhava male and an Ezhava female. A Brahmin will certainly not consent to a marriage being effected between a Brahmin woman and a non-Brahmin man. So it is not a question of the higher castes alone. It is a question of all the castes in India. It may be wrong, it may have to be modified;—probably time will modify it;—but so long as all of us are to recognise facts, so long as we have to recognise them fully, the caste system will exist. Even the Christian religion is not in all cases a bulwark against caste.

MR. A. HOOGEWERF (*Nominated*): Does not the custom exist in Hinduism itself? Is it not due to environments?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, if Mr. Hoogewerf thinks that I am going into the merits of the Christian religion, he shall be disappointed. I have got the greatest respect for the religion of Lord Jesus. I shall be the last person to forget the benefits that Christianity has given to the world. I am only referring to the circumstance that even this glorious religion is not a bulwark against caste. So far as Travancoreans are concerned, the better classes of Christians observe the rules of caste practically.

PRESIDENT: You are dealing with conversion and not with the differences in the same religion.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know from Mr. Velu Pillai whether it is the fault of the Christians concerned or whether it is the fault of the religion?

PRESIDENT: We are not dealing with the differences existing among people of the same religion. We are now talking only of conversion.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): This is material because the question of caste is material. According to our practice a Nayar, who becomes a Mahomedan or a Chrisitian or anything other than a Hindu in the ordinary sense of the word, ceases to be a Hindu; so that I am referring to other religions just to show that the feelings of the Hindus with regard to the matter of caste will be respected so long as the majority of the people are prepared to respect them. If there is an agitation to remove all castes, if all are satisfied to take part in it and if the caste system is to be abolished by a magician's wand, nobody would be happier than myself. But so long as these distinctions are to be tolerated, so long as people think that in these matters they may be right, I am of opinion that a man or a woman who renounces Hinduism cannot come within the pale of the Nayar Bill because that is the law of Nayars. Our objects, our sentiments, our practices cannot be forgotten. Therefore, without fighting with any religion here, I must say that my intentions are only to point

out that, if a person loses his caste, whether from the Hindu religion he becomes a convert to another religion or not, he ceases to come under the Nayar Regulation. Therefore, I am glad to accord my support to the first portion of Mr. Sankara Menon's amendment.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnathur*): I oppose the amendment as a whole. The amendment consists of two parts, the addition of the words "by either party renouncing Hinduism" being the first, and the addition of the words "or becoming an out-caste" being the second. Regarding the addition of the first expression, I think that there is provision in the Bill as it is. In Section 5 of the Bill it is said that if the petitioner is the husband he "shall, in all cases, offer in the petition reasonable compensation to the respondent, except where such respondent has renounced Hinduism and has embraced another religion". So, from this Section it is seen that a husband is entitled to get divorce if the wife has renounced Hinduism and embraced another religion. Now the difficulty is that Mr. Sankara Menon wants to add "by either party". Of course the Section is clear that the wife can file a petition of divorce without assigning any reason whatsoever. Even if the husband has not renounced Hinduism she can file a petition for divorce. So, both the cases have been contemplated in the Bill itself.

With regard to the second part, *viz.*, adding the expression "or becoming an outcaste" there is this difficulty. Mr. Sankara Menon said that an outcaste is one who is excommunicated under the command of His Highness the Maha Raja. That will ask us to go to the *smarta* or some such enquiry. It is only in such cases that His Highness passes commands of excommunication or something of that sort. As a matter of fact, such a custom is not very prevalent in Travancore: so that, there is some difficulty in understanding the expression "an outcaste." At least, in my case, I cannot properly understand the word "outcaste," unless we give a definition of that word also in the Bill. For these reasons, I oppose the amendment as a whole.

MR. P. K. NARAYANA PILLAI: (*Ambalapuzha*): While appreciating the sentiments underlying the amendment and the sentiments given expression to by my friend Mr. Velu Pillai, I find it extremely difficult to support the amendment. With respect to the question as to who is an outcaste, Mr. Sankara Menon gave us the test, *viz.*, that any person who is ostracised under the command of the sovereign power may be taken as an outcaste. That was tested in the case of a certain person who was excommunicated under the *imprimatur* of His Highness in connection with a *smarta* enquiry. The temple authorities said that the man could not enter the temple owing to the fact that he had become an outcaste. But he litigated in a court of law and got a decree in his favour that he was not an outcaste. So, the Sovereign in one capacity ostracised him and in another capacity said that he was not an outcaste.

[Mr. S. Krishna Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know whether it was not on the ground that the man was not heard?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It was not on the ground that he was not heard that he was ostracised first. It was of course on that ground that the Sovereign pronounced through the courts that he was not an outcaste. So that is the position of affairs in Travancore with respect to that question. In another sister State a man was outcasted for the offence that he crossed the seas. That was during the *regime* of one Sovereign. During the subsequent Sovereign's *regime*, it was held that he was not an outcaste. So then, the test applied in this case as to who is an outcaste is an illusory test. It is practically an amorphous thing and of a nebulous variety. One cannot have any definite knowledge in such things. On that ground the latter part of the amendment certainly must go.

Coming to the former part, we are all glad that the amendment seeks to retain the hold upon Hinduism. But there are certain instances of parallel legislation in this respect. For example, I would refer to an Act of the British Indian Legislature—Native Converts Marriage Dissolution Act—Act XXI of 1866 which, says that, when two natives marry and afterwards one of them changes the religion, it is open to the other party to have continued cohabitation with the husband or the wife as the case may be. So, the remedy lies in the matter of taking the necessary steps for purposes of judicial separation. Such being the state of law elsewhere with regard to conversion to Christianity, I doubt the wisdom of our attempting to make any conversion from Hinduism the ground *ipso facto* for dissolution. There is a provision for dissolution under Section 5, for example, of the Bill, and that, I think, is quite sufficient for the purposes of the Nayar Regulation.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether conversion alone will be an invalidating circumstance according to Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): With the amendment, Section 4 would read like this:—

> A marriage may be dissolved by either party renouncing Hinduism or becoming an outcaste.

The words "may be" there are only permissive. Now, when no reasons need be assigned for dissolution of marriages and when the clause itself would only be permissive, I fail to see the necessity for this particular clause. No doubt, it may be said on the other side that "may be" has been construed as "shall be" by judicial tribunals, but I do not know whether such forms of deductions and constructions should be adopted by us. As regards the question of renunciation of Hinduism, that opens up a very wide field. Hinduism itself has not

been sufficiently defined by anybody. It is impossible to define it. The question may arise also as to when an individual renounces Hinduism, whether it is by departure from the faith or whether by act or word or whether by one of belief or by positive disbelief in a way. On any grounds I am sorry I cannot support the amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I oppose the amendment on the short ground that the question does not arise under the Nayar Regulation at all. If dissolution of marriage is possible only under certain prescribed contingencies, the sufficiency of apostacy has to be considered. But if there is absolute freedom conferred by the Regulation on the man and on the woman after going through certain formalities, waiting for a period of six months, why should we at this stage consider the propriety of apostacy working out the forfeiture of rights or working out the forfeiture of marriage status and the privileges appertaining thereto?. It seems to me, Sir, that the whole discussion, so far as this particular Section at which we are now working is concerned, is absolutely irrelevant. I oppose the amendment in its entirety on that sole ground.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I oppose this amendment as an amendment to Clause 4 of the Regulation. Clause 4 enumerates certain events, the happening of which would *ipso facto* dissolve the marriage in law. What my learned friend Mr. Sankara Menon wants is to introduce into the Section another clause, also namely, that, by being a convert to any other religion or by becoming an outcaste, the marriage should become dissolved in law. What it means is that, as soon as one of the parties has become a convert to another religion or an outcaste, the law should immediately step in and dissolve the marriage, whatever might be the feelings, sentiments and wishes of the parties. That appears to me, Sir, to be against all principles of justice, equity, and toleration. All that we can say is that under such circumstances, it may be left to the parties to choose whether they will still remain as husband and wife or not. For that, provision is made in the succeeding Section where absolute freedom is given to both parties. In the case of a woman, of course, she can divorce a husband without any compensation whatsoever. But in the case of a husband, if he wants to obtain a divorce he has to give compensation; and so far as the question of compensation is concerned the question of conversion to some other religion has been taken into account in considering whether the divorced wife is entitled to compensation or not. So that, by Section 5 you leave it to the parties as to whether they live as husband and wife even though either may have become a convert to some other religion. I submit that is the proper thing to do and that the law should not seek to interfere in dissolving marriages entered by the parties irrespective of the wishes of the parties and perhaps even against their will.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to ask Mr. Paramesvaran Pillai how the difficulty could be obviated when the husband who is prepared to be in his own caste but marries one belonging to another caste takes his wife to live along with the members of his family.

[Mr. V. Subba Aiyar.]

PRESIDENT: That does not arise here at all. We are speaking of conversion after marriage.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I quite see that. He has got the right of living in the house, so that he can certainly insist on making his wife live in the house. I want to ask Mr. Paramesvaran Pillai whether, in case the marriage is not dissolved, one member of the joint family who continues to be a Hindu will not be able to put the other members of the family to unpleasantness and trouble because of that provision of the law.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The marriage may be dissolved by the parties. Then with respect to the amendment as a whole—I also object to the second part of the amendment in particular, *i. e.*, that which refers to the outcaste. It appears to me that the expression is very difficult to understand and my learned friend said that outcastes might be defined as those who have been declared to be outcastes by His Highness the Maha Raja of Travancore. Now, whatever that might be, the expression is not defined in the amendment. It merely says "outcaste". With respect to the difficulty of determining whether a man is an outcaste, I would refer the Council to the paragraph in Sir Guru Das Banerjee's book "Hindu Law of Marriage" page 185. As a specimen of the law on the subject, it enumerates some of the graver offences which would make a man an outcaste.

"Killing a Brahman, drinking forbidden liquor, stealing gold from a priest, adultery with the wife of a father, natural or spiritual, and associating with such as commit those offences, wise legislators must declare to be crimes in the highest degree":

"False boasting of a high tribe, maligant information before the king of a criminal who must suffer death, or falsely accusing a spiritual preceptor, are crimes in the second degree, and nearly equal to killing a Brahmana."

These are all said to be cases in which a man is to be declared an outcaste. There may be similar cases. The expression is very vague and for that reason also I oppose the amendment. Therefore I strongly oppose the motion as an amendment to Clause 4.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amendment is objectionable from a practical point of view also. In the first place, Section 4 says that the dissolution of marriage will take place on any of the three grounds. The first is death of one of the parties, which is a specific point of time; The second is by mutual consent evidenced by a registered instrument. The date on which the document is registered is the date of separation also. That also is a specific point of time. The same may be said about a decree for dissolution of marriage. Now, what my friend the mover of the amendment wants is that the marriage should be dissolved when a person renounces Hinduism. When a person renounces Hinduism it is not possible to know. I do not think that in many of the religions there are registers corresponding to the baptismal registers kept in Christian churches. Such being the case,

whether a person renounces Hinduism or not is a question of fact to be determined and it is most difficult to say at what particular time he renounced Hinduism. So that to incorporate a doubtful element in Section 4 is rather undesirable. Section 5 clearly provides that it is open to the petitioner to move for a divorce on the ground that the respondent has renounced Hinduism and in such a contingency he is relieved of the obligation of paying any compensation. That I think is a sufficient safeguard and the question whether a particular person after marriage continued to be husband or wife should not be left to depend on proof of a doubtful nature which might lead to a complicated litigation. I therefore beg to oppose the amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): What is the status of the party after the conversion but before the pronouncement of the decree of dissolution by the court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): He must at once run to the court and say: "Here is the respondent who has renounced the Hindu religion and embraced Christianity; and therefore I must separate." And for six months he must keep quiet. That is all that can be done. Just take the other aspect of the case. Supposing the amendment is accepted, what is the result? The difficulty will be for one of the parties to prove definitely *when* the other changed religion. In many cases it is difficult to say what is renunciation of Hinduism without embracing another religion at all.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Does Mr. Subba Aiyar fear that conversions will be denied?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The point of time may be denied; even conversion may be denied.

MR. C. SANKARA MENON (*Quilon*): With regard to the provision in Section 5, I am well aware of it. There is a provision for divorce without assigning any reason and in case the husband embraces a different religion he need not offer compensation. I am well aware of that Section. But under the law of the State now, the conversion entails the forfeiture of civil status of the person. I cannot understand how a marriage between a Hindu and a Non-Hindu could subsist. When the convert has lost all his civic status, I fail to see how a valid marriage can exist between him and a Hirdu.

MR. A. HOOGEWERF (*Nominated*): I wish to ask Mr. Sankara Menon whether it is as it were a civil death and therefore such an event also ought to dissolve the marriage.

PRESIDENT: Mr. Hoogewerf wants to put you a question.

MR. A. HOOGEWERF (*Nominated*): I want to know what the position of the party will be if he or she renounces Hinduism and has no religion at all.

PRESIDENT: It is quite clear from the amendment. He says "renounces Hinduism". You may put any interpretation you like upon it.

[Mr. A. Hoogewerf.]

MR. A. HOOGEWERF (*Nominated*): Without accepting any other religion?

PRESIDENT: It might mean that

MR. C. SANKARA MENON (*Quilon*): We should not forget the provision of Section 3 which only legalises marriage between "any male other than a Nayar with whom conjugal union is permitted according to recognised social custom and usage." Now, the marriage with a person who is not a Hindu certainly cannot be recognised as a marriage under the Nayar Regulation and none of the incidents of the Regulation flow from it. It is very likely that one of the parties may not go to court virtually, and probably it may also happen that children are born of the union while one is a convert and the other remains a Hindu. Under these circumstances, what the fate of the children will be—whether they are entitled to inheritance under the Nayar Regulation, and what exactly their position is—will be left undefined. Mr. Subba Aiyar's objection is only with regard to the difficulty of finding out the time when a person becomes a convert. It is just like any other matter of fact which can be proved. With regard to the marriage, there need be no public record or any such thing. I do not find any difficulty in ascertaining the time of the conversion also. On these grounds, I press the amendment.

PRESIDENT: I now put this amendment to the vote of the House.—

"Add, at the end of sub-clause 1 of Clause 4, the following."

"By renouncing Hinduism or becoming an outcaste."

The amendment was put to the vote and lost.

MR. A. HOOGEWERF (*Nominated*): My amendment is to delete sub-clause 2 of Clause 4, as also to delete sub-clause 3.

PRESIDENT: That is the amendment relating to the next subclause?

MR. A. HOOGEWERF (*Nominated*): Yes, Sir.

PRESIDENT: You will have to move it separately.

MR. A. HOOGEWERF (*Nominated*): I just want to make a remark about it. If permitted to speak on the two amendments together,—

PRESIDENT: It cannot be done.

MR. A. HOOGEWERF (*Nominated*): I rise to put before this House not only the Christian but the practical and commonsense aspect of marriage. I know that my views may be a sort of cry in the wilderness, but I think it my duty to put them before this House. I was able to talk at some length on this very important subject on the Ezhava Bill when that measure was before this House and I had the great consolation of hearing from the Law Member that my views in regard to divorce and marriage were ideal.

The family is the basis of society and good Government. By disrupting the family, you shake society and Government to the very foundations. The Bill before the House makes divorce easy and free. Either party can effect it by a mere petition to the courts without giving any reasons. The sacramental aspect of marriage is lacking. This renders married life a business proposition, bare of the sentiment and tender emotions which mean so much in life. A wife is not to be taken on trial. On the other hand, most people, not merely Christians, recognise the marriage state as something holy, and therefore indissoluble. Whom God has put together, let no man put asunder. They were wedded for better, for worse, for richer, for poorer, till death does them part. The Catholic and the Eastern Churches set their face against divorce. The Christian denominations which allowed divorce, even under very rigorous conditions, have begun to realise that they have made a serious mistake. In Protestant America, it is said that, out of every 100 marriages, there are 10 divorces. The obnoxious literature that often appears in newspapers speaks for itself and cannot but have a most demoralising effect on society. As some one has put it, marriage is like asking a man to go into a rose garden and pick the best as he goes along without ever going back on his steps. Marriage, no doubt, has some risks, but it greatly depends on the man and woman to adjust matters and make their married life happy. The liberty and the whims and caprices of a few people may well be sacrificed for the good of society as a whole. Further it is very desirable to use a thorny bit on Don Juans who may be inclined to run riot and anxious to change their partner in life, as they would an old shoe. The only impediment is a little payment of money in the case of a man wanting a divorce. The natural consequence is that, as stated above, he can change as often as he desires. If he has no money, there will be no change, whatever may be the reasons. A misbehaving woman can become rich because she gets money compensation every time. She drives her husband, by her conduct, to apply for divorce. So the liberty that is given and the condition lend themselves largely to abuse. And when this so-called liberty is closely analysed, it may, after all, be found to be license, pure and simple. We have not reached that stage of perfection when we can have absolute freedom in matters of such importance. There is not a single civilised race which has this degree of freedom in the matter of divorce. The ideal marriage is indissoluable. The Nayar is a caste-Hindu. What is the orthodox Hindu ideal of marriage? The tie is indissoluble, not only in this world, but in the next world also. They carried it to all its logical consequences, not even dreading *sati*. This is why it is usually said that marriages are made in heaven. These are some of my reasons for suggesting this amendment.

REV. FR. KURIAKOSE VETTIKKAPALLY (*Todupuzha cum Kunnatnad*): I second the amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I oppose the amendment. In doing so, I appreciate the very noble spirit which

[President.]

underlies the amendment proposed by Mr. Hoogewerf. The result of this amendment and the other which follows would be to make divorce absolutely impossible. In Clause 4 of this Bill, sub-clauses (ii) and (iii) refer to certain cases in which divorce is possible, *i. e.* (i) by the death of either party; (ii) by mutual consent evidenced by a registered instrument; and (iii) by a formal order of dissolution as hereinafter provided.

Mr. Hoogewerf's object is to delete both these Clauses and make marriage dissoluble only by the death of either party. I would beg to submit that this is a very noble object indeed. But the question is whether the community for whom this Bill is intended is prepared to accept it. This House knows that, before Regulation I of 1088, divorce was absolutely free among the member of the community to which this Bill refers. By Regulation I of 1088, certain restrictions were placed upon divorce. In order that a party may obtain a dissolution, he or she should put in a petition to the District Munsiff and wait for six months, and if the applicant is the husband, he will also have to offer in the petition itself the amount of compensation to the wife. In this Regulation, we are attempting to make the restriction stronger than in Regulation I of 1088, in which the maximum compensation was fixed at Rs. 2,000. By this Bill we have increased the maximum of compensation from Rs. 2,000 to Rs. 5,000. This, I believe, will make it rather difficult for a husband to divorce his wife. In the circumstance in which the community is placed, I hardly think it expedient to make any further restrictions upon the freedom of divorce. For these reasons, I oppose the amendment proposed by Mr. Hoogewerf.

MR. A. HOOGEWERF (*Nominated*): Is the enhanced compensation adequate to check divorce?

PRESIDENT: Nobody is in possession of the House.

MR. A. HOOGEWERF (*Nominated*): I have nothing more to add.

PRESIDENT: Do you press your amendment to a division?

MR. A. HOOGEWERF (*Nominated*): Yes.

The amendment was put to the vote and lost.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do not move the following amendment standing against my name:—

Sub-clause (ii). Add the following after the word "instrument" "where the parties have attained majority".

MR. A. HOOGEWERF (*Nominated*): I have nothing more to say to what I have already said.

PRESIDENT: Do you move the amendment to sub-clause (iii)?

MR. A. HOOGEWERF (*Nominated*): I move it; but I have nothing to add. The amendment runs as follows:

Delete sub-clause (iii).

PRESIDENT: The amendment is not seconded. So it falls through.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move that the following be added at the end of the clause:

"In the case of minors who are parties to a marriage, the instrument referred to in this Section may be executed and the proceedings provided for in the next Section may be instituted on their behalf by their guardians if the interests of the minors concerned require such a correction."

Referring to Clauses 4 and 5 in the Bill, I find that the Bill does not provide for the possibility of a dissolution of marriage between persons, one or both of whom happen to be minors. According to Clause 4, of course, there is a possibility of death intervening and dissolving the marriage that may exist in the case of minors or majors. But with respect to sub-clause (ii) of Clause 4, it should be by mutual consent—by means of registered instrument. That is possible only in the case of adult members. And then sub-clause (iii) relates to a formal order of dissolution as thereinafter provided which is amplified further in Clause 5 as the proceeding to be instituted by the wife or the husband as the case may be. That also is a step which can be taken only by major members. But looking at up-to-date legislation upon the subject of marriage it is necessary that, in certain cases, if the provision for the marriages of minors is to stand, there should also be the loophole for the dissolution of such marriages on various contingencies. For example, the up-to-date doctrine prevailing in the American States may be referred to in this connection, where the States generally provide for the dissolution of marriage or the nullity of marriage on the ground of veneral disease, insanity, etc. There are also other possibilities in that connection. For example, take the case of a husband of a minor girl who happens to be sentenced for life and sent away to the gaol. In such a case there is the necessity that the minor wife should seek a dissolution of marriage and have remarriage effected. In the matter of minor girls, it is not a question which will brook delay. For, as the time goes by, the matrimonial value that may be set upon the girl may be decreasing and not increasing, and as such, those who are interested in the girl will very much desire that she remarries as early as possible and does not wait till her minority is over. But the question is whether this Bill provides for any such contingency. I say, it does not. My friend the learned mover and myself had a talk over the subject yesterday and he referred me to a particular provision in the Bill which makes the provisions of the Civil Procedure Code applicable to the proceedings under this Regulation. I am glad that he seems to be supported by the authority, at least of one court, namely the Bombay High Court, which, while interpreting a similar provision of the Parsi Marriage and Dissolution Act, says that, though there is no express provision in that particular Act, a next friend may litigate on behalf of the minor or defend as a guardian the proceedings for the dissolution of marriage. So the analogy of that Act seems to support my friend's view. But there are difficulties, and in view of the glorious uncertainties of judicial pronouncements, I would press for a clear provision in that respect.

[President.]

There are other reasons also why I should press for it. For, referring to the Indian Divorce Act, Act IV of 1869, which also incorporates the provisions to the effect of the Civil Procedure Code, there is a distinct provision in that that the next friend or the guardian, as the case may be, may institute the proceedings or defend the proceedings on behalf of the minor party to a marriage under that Act. Since, therefore, in addition to the incorporation of the principles of the Civil Procedure Code, there is a provision in that Act, it is possible to argue that a general incorporation of the principles of the Civil Procedure Code may not be sufficient to enable the guardian or the next friend to defend or start proceedings on behalf of a minor. In view of that provision I am anxious to see that a provision is made as a *proviso* to Clause 4or 5, as the case may be.

PRESIDENT: You have not referred to the word 'instrument' appearing in your amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzhc*): I shall come to that. In case of both guardians and next friends, an instrument also may be executed.

PRESIDENT: In your amendment there is an instrument also referred to. There is only one instrument referred to in the Section and that is in sub-clause (ii). In your amendment you refer to the instrument mentioned in the Section.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): When the parties happen to be minors,—

PRESIDENT: Your amendment does not imply all that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That portion, I am prepared to drop. That portion which relates to instrument may be dropped. The words "the instrument referred to in this Section may be executed and" may be dropped. The rest of the amendment may remain.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask Mr. Narayana Pillai to tell us whether he contemplates the court exercising a discretion on the desirability of the separation in the interests of minors. Will he tell the Council who are the persons to settle it?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Wherever a minor is involved, the courts generally have a right to use their discretion in the interests of minors.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That is not an absolute right.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is an invariable condition. That is a provision of civil laws.

PRESIDENT: What Mr. Krishna Aiyangar wants to know is whether this discretion to act on behalf of minors is to be with the guardians or with the court.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): As determined by the court.

PRESIDENT: You will then have to add the words "in the opinion of the court", between "if" and "the interests",

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): What does Mr. Narayana Pillai say about the contingency of a major suing a minor?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is permissible if there is a guardian *ad litum*.

PRESIDENT: With that omission and that addition, you move that amendment?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I second it.

The Council rose for lunch at 2-18 P. M. and re-assembled at 3-9 P. M.

MR. C. SANKARA MENON (*Quilon*): I oppose the amendment on this ground that freedom of divorce is given only to the parties. This right is not to be vicariously exercised by the guardian. It is liable to be abused. Mr. Narayana Pillai referred to some extreme cases where necessity for divorce might arise when the parties are minors. But the right as given could be exercised not by the parties themselves but by their guardians. The parties may love each other and probably for some other reasons the guardians may apply for divorce. Therefore the provision which Mr. Narayana Pillai wants to introduce is likely to be abused. I oppose the amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I also oppose the amendment. Mr. Narayana Pillai has confined his amendment to the second part of it as it stands in the agenda paper. I think he has withdrawn the former portion.

PRESIDENT: Yes. He has withdrawn the portion: "the instrument referred to in this Section may be executed and".

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): He has confined his amendment to the provisions for divorce. In those cases what he wants is that the guardians should be in a position to put in a petition on behalf of the minors. In that case I would submit that in the succeeding Section we have laid down the procedure to be followed in the case of such petitions before the Munsiffs' Courts. We have said that, in relation to those petitions before the Munsiffs' Courts, the Civil Procedure Code will be applicable; there is provision in that Code for dealing with petitions filed by guardians on behalf of minors. I submit that that will be quite sufficient to meet the case referred to by Mr. Narayana Pillai. I think therefore that he will withdraw his amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I am not prepared to agree with my friend—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I would like to speak if Mr. Narayana Pillai is not withdrawing.

PRESIDENT: He has already begun his reply.

[Mr. A.Hoogewerf.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am not prepared to agree with Mr. Sankara Menon in his view about the proposed amendment. But owing to what Mr. Paramesvaran Pillai has said, as also in view of the analogous provision in Act XV of 1865 and the interpretation of the analogous ruling by the Bombay High Court in 18 Bombay, 366, I feel that the amendment proposed is superfluous, and, as such, I withdraw.

The amendment was, by leave, withdrawn.

The motion that Clause 4 form part of the Bill was put to the vote and carried.

Clause 5.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I move that the words "in Section 6 of this Regulation" be deleted. There is a slight clerical error. The word "or" after the word "Regulation" should also be omitted. I would also move for the deletion of the rest of the clause after the word "resides" in line 7 and for the substitution of the following:—

"*on any of the following grounds, viz., insanity, incurable disease, impotency, incompatibility of temperament, habitual cruelty, adultery or change of religion.*"

The object of my moving this amendment can be explained only by stating that I want monogamy and limited divorce for specific reasons and through the decree of a regular civil court. The trend of this regulation is to change the present system of marumakkathayam law and to make it almost makkathayam in point of inheritance In a makkathayam family, it is absolutely necessary that the marital tie should be as strong as possible consistent with modern notions about dissolution and divorce. Although I am not prepared to go so far as my friend Mr. Hoogewerf about dissolution of marriage, I am certainly at one with him in thinking that it is better for the society to restrict the scope of divorce as much as possible and in doing so not to allow divorce on mere payment of compensation, but to allow it only on condition that the fact is proved in a civil court except in cases where the parties mutually agree to dissolve the marriage. I do not think that I need say much on this point because the change that is implied in this Regulation from marumakkathayam to makkathayam entails a great deal of responsibility on the parents. As such it ought to be the duty of the legislature to make such provisions as to make them live together as long as possible.

MR. M. N. PILLAI (*Trivandrum*): I second it.

MR. A. HOOGEWERF (*Nominated*): I second two items of the amendment and oppose the others. As my own amendment has been lost—of course I never expected it to win here—I would say that when habitual cruelty and adultery have been proved there might be divorce,

But in the case of insanity and incurable disease, I would say that, although the wife may be kept apart, she must have a right to maintenance; it is not enough if she simply gets compensation. The man may take another wife, but this insane and incurable wife must also have a maintenance. In the case of the impotent husband, I do not know exactly what I should do; but in regard to incompatibility of temperament that is hardly a sufficient cause for divorce. The wife should put up with the husband's bad temper and the husband with the wife's bad temper. That is not sufficient cause for divorce.

MR. T. LAKSHMANA PILLAI (*Nominated*): Does Mr. Hoogewerf interpret the word "temperament" as equivalent to "temper"?

PRESIDENT: You may put your own construction on it.

MR. A. HOOGEWERF (*Nominated*): Temperament includes moodiness, light-heartedness, etc. You must not send away your wife on these excuses. With regard to change of religion, I have already had a few words to say and I shall have much more to say when Clause 5 comes up for consideration.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Mr. A. Govinda Menon's amendment is almost the same as that of Mr. Hoogewerf, with the exception that he permits divorce under certain circumstances. The question is whether it is expedient to provide for any and what restriction in the matter of divorces. This question was considered at great length by the Marumakkathayam Committee which sat upon this question nearly 15 or 16 years ago. This is their conclusion:

"Thus the principles of the Roman law were maintained, viz., that marriage is only a civil contract, that the relationship created by it must be regulated mainly with a view to preserve public decorum, that as the marriage union failed in its object when either of the parties showed a desire to withdraw from the alliance, it was no longer worth preserving, but that at the same time along with its dissolution an innocent party must be protected against the caprices of an unjust spouse. We are of opinion that these principles ought to govern a divorce law for the Nairs of Travancore whose marriage customs are very much like those of the Romans. "There will come a time" says Herbert Spencer, "when union by affection will be held of primary moment and the union by law as of secondary moment; whence reprobation of marital relations, in which the union by affection has dissolved."

It was their opinion that among Nairs marriage is merely a civil contract, that it was dissoluble at the will of either party and that it was not expedient to prohibit or restrict divorce in any manner except by way of compelling the husband, when he is the petitioner, to give compensation. Accordingly the law was enacted in 1088.

MR. A. HOOGEWERF (*Nominated*): I want to know whether the Regulation has been drawn up entirely on the basis of the civil contract and whether the spiritual idea inculcated by the Hindu religion finds any place in the Regulation.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I think the Bill was drafted only on the basis of the report. It was upon the report of the Marumakkathayam Committee that Regulation I of 1088 was

[Mr. T. K. Velu Pillai]

drafted. It was the committee itself that drafted the Regulation. And it was one of the members of the committee that dealt with the Bill through the Council also. This Regulation has been in existence for the past ten years, and no reason has been assigned by the learned mover of this amendment as to why that law should be changed now. He has not referred to any change in the customs, manners or opinions of the people in support of his amendment. In order that an amendment of this kind might be passed, which is radical in its nature, very good reasons should be assigned. I find no particular reasons given by Mr. Menon in support of this amendment. On the other hand, the policy which we have been pursuing is as far as possible to put restrictions upon divorce. As I have already said, in 1088, one restriction was put in by asking the husband to pay compensation up to a particular amount. Now, we have raised the amount to Rs. 5,000, which will be another restriction, and I hope the time will probably come when the Nayar community will be prepared to put further restrictions upon divorce. That time has not yet come. I therefore oppose the amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to support the amendment. In opposing the amendment, Mr. Paramesvaran Pillai said that the opinion of the Marumakkathayam Committee, composed as it was of esteemed gentlemen, who should know the conditions of the country, was that there was no necessity to make divorce more difficult than what they recommended. At the time the Marumakkathayam Committee gave its opinion, that opinion was sound. The committee did not want to dismember the Nayar tarwad, and a woman was a member of the tarwad. Not even partition on thavazhi lines was given to the Nayar community, although the Marumakkathayam Committee was good enough to recommend thavazhi partition. But, during the last ten years, the condition of society has changed. There are in the Bill proposals for individual partition, and there is an articulate cry asking for Makkathayam. The poor woman who comes out of the family and then desires to return to it will be in jeopardy, because once she gets her portion of the tarwad property whether of her own accord or with the active support or counsel of her husband she will indeed be unhappy when she is told by her sisters and uncles to walk out as she has taken away all her property. To my mind, the proposal for giving the right to claim individual partition to the members of the tarwad—males and females—has put the case on a different footing altogether and therefore I say that Mr. Hoogewerf's amendment is a wise one because he wants to make divorce as difficult as possible, —I mean Mr. Govinda Menon's—and Mr. Hoogewerf's amendment too wants to make divorce as difficult as possible. It is only when a woman becomes a lunatic or when her temper is so bad or when she is suffering from some incurable disease that divorce may be thought of although some people may like to indulge in a kind of butterfly-like passion. It is in this case that a woman wants the support and company of her husband because she has lost all community of interest in her family.

MR. A. HOOGEWERF (*Nominated*): Can she not go to her father's house?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): She cannot go to the tarwad. Mr. Hoogewerf's question is due to a misapprehension. He thinks that I am going against the amendment, while as a matter of fact I am supporting him. (*Laughter.*)

PRESIDENT: He has put the question out of curiosity.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I the question is legitimate, I will answer him. If the woman goes to the parent's house, the parents may not be in existence. Moreover, once she has claimed a share and walked out, nobody will be willing to take her back. I really fail to see why, if the demand for Makkathayam is so very great in the country, there should be any difficulty in supporting the amendment that has been moved with great brevity by Mr. Govinda Menon and supported with great vigour by Mr. Hoogewerf. We have to look the question in the face. You want to follow Christians and Brahmins so far as makkathayam is concerned. But Christians and Brahmins do not want to send away their wives whenever they like. I really fail to see how you can select what you want and reject the things you do not want from makkathayam. I have heard of individualism and the right of every person to do what he or she likes. The progress of the world shows that people are against it. The evils of individualism are being recognised in various countries so much so that it stands discredited. If everybody is allowed to do what he or she likes and when so many evils come to us in its wake, the argument that because we want to be in line with the other communities in the matter of makkathayam we should be free on the question of marriage and divorce is erroneous. Those who want Makkathayam will certainly see eye to eye with the amendment that has been moved by Mr. Govinda Menon. (*Hear, hear.*)

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Mr. Paramesvaran Pillai's criticisms have been more or less answered by Mr. Velu Pillai. Of course, he says I have not made out a case for my amendment. The revolution in our sentiments and our attitude towards marumakkathayam tarwads which have been brought about during the last decade can be clearly seen by the provisions in the Bill under discussion. Except Mr. Velu Pillai's there is not a single amendment to the provision which leaves all the self-acquired and separate properties to one's wife and children alone. Such a contingency was never dreamt of when the report of the Marumakkathayam Committee was written. Under the present circumstances, this provision is absolutely necessary and it is a necessary corollary to the provision which the Bill, as it is, provides as regards partition of the marumakkathayam tarwads.

PRESIDENT: I will now put the amendment to the vote.

The amendment runs as follows:—

In lines 1 and 2 delete the words "in section 6 of this Regulation or".

[Mr. M. R. Madhava Variar.]

Delete the rest of the clause after the words "resides" in line 7 and substitute the following:

"on any of the following grounds, viz., insanity, incurable disease, impotency, incompatibility of temperament, habitual cruelty, adultery or change of religion."

MR. A. HOOGEWERF (*Nominated*): I support the amendment with the qualifications I have made.

PRESIDENT: You cannot qualify your vote like that.

The amendment was put to the vote, and it was found that 11 members voted *for* and 12 *against*.

Mr. A Govinda Menon demanded a poll and it was taken with the following result:—

AYES—14.

1. Mr. A. J. Van Ross.
2. " K. Paramesvaran Pillai *Ag. Director of Agriculture.*
3. " K. George.
4. " T. K. Velu Pillai.
5. " P. T. Thomas.
6. " M. N. Pillai.
7. " G. Paramesvaran Pillai.
8. Mr. Joseph Panjikaran.
9. " V. Kunjukrishna Pillai.
10. " T. Lakshmana Pillai.
11. " L. R. Raja Raja Varma Koil Tampuran.
12. " A. Govinda Menon.
13. " T. M. Chidambaratanu Pillai.
14. " P. Paramesvaran.

NOES.—13.

1. Mr. K. V. Natesa Aiyar.
2. " M. Raja Raja Varma.
3. " R. Krishna Pillai.
4. " S. Paramesvara Aiyar.
5. " V. Subba Aiyar.
6. " A. Raja Raja Varma Koil Tampuran.
7. Mr. P. K. Narayana Pillai.
8. Mr. T. Kumara Pillai.
9. " N. Padmanabha Pillai.
10. " C. Sankara Menon.
11. " N. Ramakrishna Pillai.
12. " K. Paramesvaran Pillai (*Tiruvalla*).
13. " C. P. Kochukunju Pillai.

The amendment was declared carried.

The following amendments were not moved:—

MR. M. N. PILLAI (*Trivandrum*): Delete and substitute the following:—

" A husband or wife may get the marriage dissolved by decree of the court of the District Munsiff having jurisdiction, on the ground of (*a*) temperament, (*b*) habitual adultery, (*c*) desertion in bad faith, (*d*) contagious diseases, or (*e*) conversion to another religion; and, except in cases (*b*) and (*e*), if the person seeking dissolution is the husband, he shall in all cases offer in the plaint reasonable compensation to the wife."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Lines 7 and 8. Delete the following:—

" When the petitioner is the husband, he" and substitute the words "the petitioner."

MR. C. SANKARA MENON (*Quilon*): Lines 7 and 8. Delete the words:—

"When the petitioner is the husband he" and substitute the words "the petitioner."

MR. JOSEPH PANJIKARAN (*Shertallai*): In view of the fact that Mr. Govinda Menon's amendment has been carried, I think that the whole section—

PRESIDENT: Do you move the amendment?

MR. JOSEPH PANJIKARAN (*Shertallai*): I do not move the amendment.

The following amendments were not moved:

MR. JOSEPH PANJIKARAN (*Shertallai*): Line. 9. Delete the words:—

"Except where such respondent has renounced Hinduism and has embraced another religion."

MR. C. SANKARA MENON (*Quilon*): Add the following at the end of the Clause.

"or has become an outcaste."

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I move the following amendment:—

"Add the following proviso:—

"*Provided that the wife shall be competent to apply for divorce if she has completed 16 years of age.*"

In the proviso to Clause 3, it will be seen that a girl is given the power of giving her consent to her marriage after she completes her 16th year. It runs thus:—

"Or of a female who has not completed sixteen years of age, such conjugal union shall not be deemed to be a valid marriage unless it took place or takes place with the consent of his or her legal guardian."

Clause 5 empowers her to file a petition for the divorce of her husband between her 16th and 18th year. Clause 1 (10) defines the word 'minor' as follows:—

"Minor means a person who has not completed eighteen years of age."

So evidently, after her 18th year, if that girl wants to file a petition for divorce, she should put in the petition through the guardian as was found during the discussion of the previous amendment because, according to the Civil Procedure Code, it is general law that the guardian alone can file a petition for divorce if the petition is presented before she is 18 years old. Now the question is reduced to this. The girl can give her consent to her marriage just after she completes her 16th year. But if she wants a divorce from her husband during the period between 16 and 18, the guardian is to go for filing the petition for divorce. It is awkward in another way also. When a girl gives her consent to her marriage, the guardian may not have consented to it. So it is possible that the guardian may run up to the court and file a petition to divorce the husband on her behalf. So that is not a discretion to be given to the guardian. Again, when we come to Section 11 of the Bill, it is stated:

[MR. N. Kumaran.]

"The husband shall be the legal guardian of his minor wife and the father the legal guardian of his minor children in respect of their person and property."

So, if the girl wants to have divorce from her husband, the guardian who should go to the court and file the petition on her behalf is her husband himself. That is rather very awkward. Not only that. It is reasonable to hold that, if a girl can be allowed to give her consent to a marriage in her 16th year, or rather just after she completes her 16th year, it is only reasonable and logical to allow her to go to the court for divorce also. For these reasons, I propose that this amendment be accepted by the Council.

MR. M. K. KHADIR PILLAI (*Nominated*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have no objection in accepting the amendment. If a girl can give her consent to the marriage, it certainly stands to reason that she should be allowed to file the petition for divorce also. I have, therefore, no objection to accept the amendment.

The amendment was accepted *nem con.*

PRESIDENT: I now move that Clause 5 as amended stand part of the Bill.

The Clause as amended was put and added to the Bill.

Clause 6.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): My amendment relating to Clause 5 was carried. Therefore, there is no necessity for Clause 6. It is superfluous.

PRESIDENT: So, you move that it be deleted.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Yes.

MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): I second it.

The amendment was accepted and Clause 6 of the bill was deleted.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Clause 6 has been deleted. So, I do not move my amendment.

The following amendment was accordingly not moved.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Line 4 Delete the words:

"and it shall in no case exceed five thousand rupees".

PRESIDENT: The next amendment stands in the name of Mr. N. Kumaran, and he is not present.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The next four amendments relate to Clause 6 which has been deleted.

PRESIDENT: Yes. I take it that those amendments are not to be moved.

The following amendments were accordingly not moved:—

MR. N. KUMARAN (*Nominated*): Line 4. Delete the words "and it shall in no case exceed Rs. 5,000"

MR. M. N. PILLAI (*Trivandrum*): Lines 3 and 4. Omit the words :—

"but without going into the grounds of the propc .ed dissolution".

MR. M. R. MADHAVA VARIAR (*Chenjannur* cum *Pattanamlitta*): Add the following at the end:—

"when the petitioner is the husband, and Rs. 500 when the petitioner is the wife".

MR. C. SANKARA MENON (*Quilon*): Add the following proviso to Clause 6 :—

"Provided that it shall be competent to the Court to enquire whether the respondent has renounced Hinduism and has embraced any other religion or has become an outcaste if it is alleged as a ground for not offering compensation in the petition".

Clause 7.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): It is by a mistake that I sent up this amendment. Clause 7 ought to be there. So I do not move the amendment.

The following amendment was accordingly not moved :—

MR. A. GOVINDA MNEON (*Alangad* cum *Parur*).

Delete the Clause.

MR. M. N. PILLAI (*Trivandrum*): I move the following amendment to Clause 7:—

Delete and substitute the following:—

"The Proceedings in a divorce suit shall be held *in camera* and shall not be published."

Sir, if there is an open trial, much dirty linen will have to be washed in open court. We must, in the interests of public morals and safety, avoid such trial in the public.

PRESIDENT: How does your amendment form a substitution for Clause 7 ?

MR. M. N. PILLAI (*Trivandrum*): It may be added.

PRESIDENT: No. You have stated in your amendment "Delete and substitute the following". You want Clause 7 to be deleted and your clause substituted instead.

MR. M. N. PILLAI (*Trivandrum*): It may be added with the permission of the President.

PRESIDENT: Yes, I give you the permission.

MR. M. N. PILLAI (*Trivandrum*): I move that the following be added to Clause 7 :—

"*The proceedings in a divorce suit shall be held in camera and shall not be published*".

I think the trial should be *in camera* and private. That is all that I have to say.

MR. T. LAKSHMANA PILLAI (*Nominated*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to oppose it as it stands. It does not seem to have anything to do with Clause 7 at all. He may move it as a separate clause to be added at the end of the Chapter.

[Mr. C. P. Kochukunju Pillai.]

PRESIDENT: It relates to the petition.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) The Clause relates to the service of summons.

MR. M. N. PILLAI (*Trivandrum*): I have no objection to have it as a separate section.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We have to renumber the Clauses on account of the deletion of Clause 6. We can add this Section also when we renumber the others.

PRESIDENT: Yes, while renumbering, it can be put in, but only as a separate clause.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): It comes naturally under Section 8 and I have to move a similar amendment under that Section. I do not think, therefore, that there is any necessity for Mr. M. N. Pillai's amendment.

PRESIDENT: In view of that fact you may withdraw your amendment, Mr. M. N. Pillai. That is my suggestion. It is for you to decide.

MR. M. N. PILLAI (*Trivandrum*): I withdraw the amendment.

PRESIDENT: Does the House permit Mr. M. N. Pillai to withdraw his amendment?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): With the President's permission, I wish to state that, in view of the amendment proposed by Mr. Govinda Menon and adopted by this Council, the procedure in regard to divorce proceedings will have to be clearly laid down, and I propose to bring up the necessary amendments on Monday, because I think the procedure laid down here will not suit the procedure contemplated by the amendment in regard to divorce, that has been proposed and carried. With the permission of the Chair I propose to make the necessary amendments on Monday.

PRESIDENT: Then, what is the objection to the amendment being withdrawn?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): We have no objection.

PRESIDENT: You may bring up suitable amendments on Monday.

The amendment was withdrawn with the permission of the House.

Clause 7 was added to the Bill.

Clause 8.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Here also some difficulty arises. It presupposes an enquiry as to the determination of the amount of compensation. It was with regard

to that that I had sent up an amendment, and as Mr. Menon's amendment is carried, I think some more provision has to be made in regard to the matter. With the permission of the President, I wish to move the amendment afresh with suitable changes.

PRESIDENT: The mover of the Bill has obtained my permission to bring in fresh amendments which will be in accordance with the amendment already carried in the House.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I want the mover to say what I should do with this amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The whole of Section 8 will have to be recast.

PRESIDENT: Mr. Kochukunju Pillai, are you going to move this amendment? It becomes unnecessary in view of the fact that Section 8 is to be amended.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): It does not become unnecessary.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That depends on the nature of the amendments to be made on Monday. It must be postponed pending the amendments of Mr. Paramesvaran Pillai to be made on Monday.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): The wording of my amendment should necessarily be changed.

PRESIDENT: Then all these amendments will have to be changed.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I move that we proceed to Clause 9 now and that other amendments in regard to Clause 8 stand over till Monday.

PRESIDENT: I fear that has become unavoidable.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): All these amendments will depend upon how Section 8 is to be worded, because the understanding was that the grounds for dissolution were not to be gone into by the Court.

PRESIDENT: All amendments up to amendment No. 52 will stand over.

Clause 9.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): In view of another amendment of Mr. A. Govinda Menon on the same point, I do not move the following amendment:—

In Clause 9, line 1, add the words "or male" after the word "female".

[President.]

MR. A. HOOGEWERF (*Nominated*): I beg to move the following amendment:—

"In Clause 9, line 1, add after the word "female" the word "or a male".

Sir, renouncing Hinduism and embracing another religion does not necessarily mean the lowering of status or excommunication according to the present notions prevalent among the majority of Nayars.

PRESIDENT: I find Mr. Madhava Variar's amendment is also the same. *i. e.,*

In line 1, Clause 9, add after the words "a subsequent marriage of" the words "a male or".

MR. TRIVIKRAMAR VASUDEVAR (*Jennies*): എനിക്കു അമെൻഡ്മെൻറുകളുടെ തർജ്ജിമ കിട്ടീട്ടില്ല. ൪൪ വരെ മാത്രമെ എനിക്കു കിട്ടിട്ടുള്ളു.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In view of Mr. Govinda Menon's amendment to Clause 5 that was carried, further Sections have to be carefully read. So I do not think the House will have very serious objection to our rising now and meeting on Monday in order to think over the matter as to what all amendments are necessary.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The question of monogamy or polygamy can be discussed now.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The ideas of restricting monogamy and polygamy have to be considered in view of the conditions regarding divorce. Mr. Vasudevar also complains that he has not been supplied with the translation of the amendments.

PRESIDENT: The complaint of Mr. Vasudevar requires to be looked into.

The House will rise now and will meet again at 11-30 A. M. on Monday.

The Council adjourned at 4-5 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION.

Monday, the 9th June, 1924.

(*OFFICIAL REPORT.*)

The Council met again in the Victoria Jubilee Town Hall at Eleven Forty-five of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Document Writers.

238. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): (*a*) Are the Government aware of the evils resulting from the preparation and writing of documents by inexperienced document writers?

(*b*) Will the Government be pleased to make a rule that only duly qualified and licensed persons will be permitted to prepare documents for registration?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*)

(*a*) Government are informed that documents are sometimes written by inexperienced persons.

(*b*) Government do not consider that there is sufficient justification for taking any action.

Independent Shop System in the Northern Taluks.

239. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) when the independent shop system in regard to the vend of arrack was introduced in the northern taluks of Travancore;

[Mr. A. Hoogewerf.]

(*b*) whether a similar system for vending arrack was in vogue in neighbouring taluks in the Cochin State at the time that system was introduced in those taluks; and, if so, whether the price of arrack was the same in the Travancore taluks and Cochin taluks bordering them at the time;

(*c*) when the independent shop system in regard to toddy was introduced in the other taluks of the Kottayam Division;

(*d*) whether it is true that the late Excise Commissioner recommended the introduction of the independent shop system for vending toddy in the northern taluks only after knowing the result of the working of the same system in regard to the vend of arrack in those taluks and clearly understanding all the conditions regarding the sale of toddy in the bordering taluks of Cochin;

(*e*) whether it is true that, on the recommendation of the late Excise Commissioner, the Government sanctioned the introduction of the independent shop system for vending toddy in regard to the taluks of the Northern Division and published a notification in the *Gazette* over the signature of the Dewan, fixing the sites, the number of the shops and the dates of auction;

(*f*) whether it is a fact that, a few days before the date fixed for the auction of the proposed shops, the present Excise Commissioner, who had just taken charge of the department, recommended to the Government the cancellation of the Government notification referred to above;

(*g*) whether they will be pleased to place on the table the letters of the late and the present Excise Commissioners, the one recommending the introduction of the system and the other recommending the cancellation of the Government notification bringing the taluks under the independent system;

(*h*) whether it is not a fact that the taluks of Parur, Alangad, and Kunnatnad were then held by Mr. Nadar and the taluks of Muvattupuzha and Todupuzha by Mr. Karayalar;

(*i*) why the independent shop system was introduced at the time only in the two taluks held by Mr. Karayalar and not in the three taluks held by Mr. Nadar;

(*j*) whether it is not a fact that the two taluks of Mr. Karayalar, which have been brought under the independent shop system, partly border the Cochin State;

(*k*) whether it is not a fact that, by bringing the two taluks held by Mr. Karayalar under the independent shop system, Government have gained about Rs. 3,00,000 since the time these taluks were brought under the new system and that Government have lost a proportionately large amount during the same period by not bringing the other three taluks held by Mr. Nadar under the new system; and

(*l*) why the three taluks held by Mr. Nadar were not put up to public auction but given to him by private arrangement?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) In 1090.

(*b*) A similar system was in force in Cochin at the time. The prices were not the same in both borders, but the Cochin Government undertook to assimilate their prices as far as possible to ours.

(*c*) The independent shop system in regard to toddy was extended to the five taluks of Kottayam, Changanachery, Ettumanur, Minachil and Peermade in 1090 and to Muvattupuzha and Todupuzha in 1096.

(*d*) The answer is in the negative.

(*e*) Yes.

(*f*) The present Excise Commissioner recommended the cancellation of the notification only in so far as it related to the taluks of Kunnatnad, Alangad and Parur.

(*g*) The answer is in the negative.

(*h*) Yes.

(*i*) At the time of the introduction of the independent shop system there was great disparity in the rates of the tax prevailing in Travancore and Cochin. As the taluks of Parur, Alangad and Kunnatnad held by Mr. Nadar lay closely interlaced with the Cochin border, it was not considered expedient to introduce the system into those taluks also till the disparity had been removed to some extent. This reason did not apply to Muvattupuzha and Todupuzha, the taluks held by Mr. Subrahmanya Karayalar, as the former touches the Cochin border only for a short distance and the latter is not on the Cochin border at all.

(*j*) *Vide* answer to part (*i*).

(*k*) It is impossible to estimate such problematical gains and losses.

(*l*) It is neither usual nor expedient to put up to public auction taluks under the farming system.

MR. A. HOOGEWERF (*Nominated*): Was the reason put forward only that the tree tax in Cochin was lower than that in Travancore?

PRESIDENT: Are you referring to the answer or to the question? You must put a supplementary question with reference to the answer and not to the question.

MR. A. HOOGEWERF (*Nominated*): I am putting a question with reference to the answer to part (*b*). I am asking a supplementary question, *i. e.*, whether the reason put forward was only that the tree tax in Cochin was lower than in Travancore.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

[Mr. S. Paramesvara Aiyar.]

MR. A. HOOGEWERF (*Nominated*): Did the Excise Commissioner, I mean Mr. Van Ross, state at the time that the shop rental was proportionately higher in Cochin, which equalised the price of toddy on the two borders?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Is that with reference to (*f*)?

MR. A. HOOGEWERF (*Nominated*): It is in continuation of (*b*).

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is no reference to Mr. Van Ross or the Excise Commissioner in (*b*).

MR. A. HOOGEWERF (*Nominated*): Has the tree tax in Cochin been increased now?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): If so, when and by how much?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I have no information and I claim notice.

MR. A. HOOGEWERF (*Nominated*): Is it the same as in Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I am not aware.

MR. A. HOOGEWERF (*Nominated*): The answer to (*g*) is: "The answer is in the negative." If so, how did the Government accept Mr. Raman Pillai's recommendations and publish a notification introducing this system in the northern taluks?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): On the information that was then available to the Government.

MR. A. HOOGEWERF (*Nominated*): The answer to (*g*) is in the negative. Was it a confidential letter or an official communication?

MR S. PARAMESVARA AIYAR (*Secretary to Government*): I am not prepared to disclose the contents of a document which the Government are not prepared to lay on the table.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to say how many days after the present Excise Commissioner took charge of the department, he recommended the cancellation of the Government notification introducing the independent shop system into the northern taluks?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Soon after.

MR. A. HOOGEWERF (*Nominated*): How many days after?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I do not remember,

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that, in their order No. S. R. 986, dated the 17th April, 1920, Government made Mr. Nadar clearly understand that the introduction of the independent shop system into the three taluks held by him, *viz.*, Parur, Kunnatnad including Vazhakulam *pakuthi*, and Alangad including Edappalli, would not be delayed further than the biennial contract for 1096 and 1097? On the face of this letter, how was the contract for those taluks given again to Mr. Nadar?

PRESIDENT: That does not arise.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that it was the continuance of this contract that gave rise to the malpractices said to have been rampant in these taluks?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

MR. A. HOOGEWERF (*Nominated*): Is it a fact that these taluks also are to be brought under the independent shop system in the next biennial contract?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state the reasons for bringing these taluks now under the new system?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have thought that the time has now become ripe for introducing that system in these taluks.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that they secured a gain of about half a lakh of rupees by bringing the two taluks held by Mr. Karayalar—Muvattupuzha and Todupuzha—under the new system, besides about one-third of this amount under tree tax?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer to that is contained in (*k*): "It is impossible to estimate such problematical gains and losses."

MR. A. HOOGEWERF (*Nominated*): How much did the Government gain by bringing these two taluks under the independent shop system four years ago?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I must have notice.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that, by delaying the introduction of the new system in the three taluks held by Mr. Nadar for four long years, they have lost about five lakhs of rupees in the way of rental and tree tax?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer to that is in (*k*). Government cannot estimate such problematical gains and losses.

[Mr. T. Kumara Pillai.]

MR. A. HOOGEWERF (*Nominated*): With respact to (*i*), was it not the practice before to put up the taluks under the farming system to auction?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No. In the case of big contracts it was not the practice invariably to put them up to public auction.

MR. A. HOOGEWERF (*Nominated*): Was it not done in public auction in the Huzur Cutcherry by the Dewan himself?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Not in all cases.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether there was any Government notification regarding the sale of the three taluks held by Mr. Nadar for 1098 and 1099.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

Tappers' Strike.

240. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) Will the Government be pleased to state the occasions on which the tappers struck work in the Arukutty and other circles?

(*b*) Have the District Superintendents of Police, Messrs. Padmanabhan Tampi and Gomatinayakam Pillai, reported to the Commissioner of Police the causes of the same, and has the Commissioner submitted a report to the Government in the matter?

(*c*) If the Commissioner of Police has submitted a report to the Government on the subject, will they be pleased to lay it on the table?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) In 1096 there was a strike of tappers in the Vaikam taluk.

(*b*) Yes.

(*c*) The answer is in the negative. *Vide* also the answer to question No. 190 in the Proceedings of the Legislative Council, Vol. II.

Certain Works in the Pazhayar River.

241. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) Will the Government be pleased to state whether the late Chief Engineer Mr. Bastow and the late Excise Commissioner Mr. N. Raman Pillai had, as a result of their joint inspection, sent up a report to the Government stating that that portion of the Pazhayar river which runs through the salt pans is very narrow and that the river should be widened and brought to the total breadth of 1,000 feet?

(*b*) Will the Government be pleased to state their reasons for not sanctioning the works in accordance with this report based on expert opinion?

(c) Will the Government be pleased to state whether it has come to their knowledge that the loss of salt due to the last year's floods was, though occasioned by the cyclone, helped by the narrowness of the Pazhayar river near the salt pans?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) The answer is in the affirmative.

(b) Mr. Bastow's proposal involved the acquisition of portions of existing salt factories at a prohibitive cost. Mr. Bastow did not give hydraulic particulars on which his opinion was based. So Mr. Jacob, his successor, who re-examined the question, suggested an alternative scheme. His proposal was for dismantling the mission dam in the Pazhayar and the draining and alignment of the deep water channel. Government adopted this alternative.

(c) Government have no such information.

Statement of Lands assigned to Depressed Classes.

242. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtittta*): Will the Government be pleased to lay on the table a talukwar statement of the lands already assigned to the depressed classes at concessional rates?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* furnishing the information for three years from 1096 M. E. is laid on the table.

Qualification for Assistant Sanitary Officers.

243. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): (a) Will the Government be pleased to state whether, at the time of the formation of the Sanitary Department and for some time thereafter, there was any understanding that Assistant Sanitary Officers should have passed some medical test?

(b) When was this rule dispensed with?

(c) What were the reasons for its discontinuance?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) The post of Assistant Sanitary Officers was created in 1902, *i. e.*, nearly seven years after the formation of the Sanitary Department. The Hospital Assistants' Examination was then prescribed as the medical qualification for the post.

(b) This rule was modified in 1905 when the Certificated Sanitary Inspectors' Test was prescribed as an alternative qualification.

(c) Because the work of itinerant medical relief which had been entrusted to the Sanitary Department was discontinued in 1905.

Kudivila for Royal Trees on Ayacut Lands.

244. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): (a) Will the Government be pleased to state the year up to which *kudivila* has been paid for the royal trees cut and removed through the Forest Department from *ayacut* lands?

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* *Vide* appendix I—page 915.

[Mr. R. Krishna Pillai.]

(b) Will the Government be pleased to state from what year *kudivila* has to be paid, what the amount due in each year is, and what amount has actually been paid?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (a) and (b) *Kudivila* is at present one-half of the net sale proceeds of royal trees cut and removed from private lands to the Government depôts by contractors engaged for the purpose, unless the proprietors of these lands require them for their own use in which case they are called upon to pay the Government half the tariff rates. The supply contracts of the department usually run for a period of 2 to 3 years and the sale of timbers worked thereunder is likewise spread over the same period. It is only when all the timber delivered at the depôts as per the terms of a contract is disposed of and the accounts of the contractor are settled, that claims for *kudivila* can be taken up for consideration. In view of this and as accounts have to be kept contractwar, it is not possible to state exactly the year up to which *kudivila* has been paid, the year from which it is in arrears, and the extent of the arrears relating to each year. A statement* showing the amount of *kudivila* paid in the years 1094 to 1098 is laid on the table. As the question of granting full proprietorship over royal trees standing on private lands is now under the consideration of the Free Pass Committee, any scheme for simplifying the procedure now in vogue for payment of *kudivila* has to await the report of that committee.

Payment of Kudivila.

245. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (a) Will the Government be pleased to state the total amount pending payment up to the 30th Karakatakam last on account of *kudivila* on trees?

(b) Will the Government be pleased to arrange for the immediate payment of such dues?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (a) and (b) The member is referred to the answer to interpellation No. 244.

Imposition of Prohibitory Assessment on Members of the Depressed Classes.

246. MR. C. RAMANKUNJU (*Nominated*): How many occupants belonging to the depressed classes were charged with prohibitory assessment during the last five years and what was the amount realised thereby?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): One hundred and four occupants were charged with prohibitory assessment during the last five years and a sum of Rs. 346 was realised thereby.

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*Vide appendix II—page 916.

Castewar Statement of Scholarship-holders.

247. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to place on the table a castewar statement of scholarship-holders in the State during the last three years and the value of scholarships held by the members of each caste?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The statement* required by the member is laid on the table.

Ambalapuzha-Takazhi Road.

248. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Will the Government be pleased to ascertain from the Chief Engineer whether he is aware that the road from Ambalapuzha to Takazhi gets totally out of condition during the rainy season, year after year, becoming quite useless and even dangerous for people to walk along the same?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The Chief Engineer is aware of the condition of the road during the rainy season. Its improvement into a *pucca* cart-road would be a costly affair. The matter is, however, engaging his attention.

Statement of Applications for Assistant Surgeon's Post.

249. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to give a castewar statement of the applications received for Assistant Surgeon's place with their dates, and such appointments made, permanent, acting and temporary during Dr. Lakshmanan's term of office as Darbar Physician?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The statement† required by the member is laid on the table.

Deputation of a Medical Officer on Study Leave.

250. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether they propose to send any medical man to England for further training on study leave? If so, will they be pleased to state the name of the person so selected and when he is to be sent?

(*b*) Has the Darbar Physician asked any of his subordinate whether they are willing to undergo further studies at their own expense? If not, why?

(*c*) If any medical man is to be sent, will the Government state the subject in which he is to specialise?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) There is no such proposal at present.

(*b*) Yes.

(*c*) The question does not arise in view of the answer to part (*a*).

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* *Vide* appendix III – page 917. † *Vide* appendix IV—pages 918 to 920.

[Mr. R. Krishna Pillai.]

Public Health Lectures.

251. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether the Sanitary Commissioner has issued circulars to the Sanitary Circle Officers to deliver health lectures in the course of their inspection work?

(*b*) If so, will they be pleased to place on the table a statement showing the number of lectures delivered by each Sanitary Officer in 1098 and up to Dhanu, 1099, the places at which they were delivered, the names of the officers who have lectured, the names of the chairmen of those meetings, the subjects dealt with and the approximate number of people assembled at each of such meetings?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Since the abolition of the Public Lecture Committee, the Sanitary Circle Officers have been having informal talks with the people during their inspections on matters of public health.

(*b*) A statement* containing the available information is laid on the table.

Village Road to Nizhur.

252. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Will the Government be pleased to state whether they are aware of the existence of a village road branching off from the Kottayam-Muvattupuzha road at the 110th mile north-west to the Nizhur temple?

(*b*) If so, will the Government be pleased to say whether this road has ever been repaired?

(*c*) Have the Government received any petition from the people of the locality praying for improving and extending this road so as to serve the villages of Kattampakkal, Nizhur, Arunuttimangalam and other places and to connect it with the newly constructed Talayolapparampu-Kuttattukulam road?

(*d*) Is it a fact that in their petition they have expressed their willingness to hand over the necessary site for the road to the Government without any compensation therefor?

(*e*) Has this locality been inspected by any officers of the Public Works Department?

(*f*) Are the Government aware that there is absolutely no means of communication to the villages of Kattampakkal and other places in the interior?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) It is reported that there is a *poramboke* path.

(*b*) No.

(*c*) The matter is under enquiry.

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* *Vide* appendix V —pages 921 and 922.

(*d*) No.

(*e*) Yes.

(*f*) Kattampakkal is connected with the 112th mile of the Main Central Road by a cartable road which is maintained by the Public Works Department.

Working Plans of the Shendurni Circle.

253. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Has the Conservator of Forests submitted revised proposals *re.* the working plans of the Shendurni Working Circle referred to in paragraph 5 of the Government Review of the Forest Administration Report for 1097?

(*b*) Have these proposals received the approval of the Government?

(*c*) If so, will the Government be pleased to state how the correctness of the data therein was verified and by whom?

(*d*) If the proposals are based on correct data, will the Government be pleased to enquire how working plans on incorrect data happened to be adopted and whether the officers responsible for their collection have any valid explanation to offer?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) No.

(*b*), (*c*) and (*d*) These questions do not arise in the light of the answer to part (*a*).

Cocoanut Plantations in the Shertallai Taluk.

254. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) How many acres of land in the Shertallai taluk covered with cocoanut plantations require watering during the summer season?

(*b*) How many cocoanut trees are there in such tracts according to the last Settlement?

(*c*) What is the amount of land revenue collected from these tracts?

(*d*) Do the Government know that, owing to the rise in wages, the watering of cocoanut trees is becoming almost impossible and that there are many acres of cocoanut gardens that are not watered and are consequently deteriorating?

(*e*) Will the Government be pleased to pay early attention to this state of affairs and devise means for introducing some easy and cheap method of watering cocoanut trees which form the wealth of the taluk?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The information is not available.

(*b*) and (*c*) According to the Final Settlement Report, the total number of cocoanut trees assessed to revenue is 14,70,469 and the net revenue on garden lands is Rs. 90,867.

(*d*) Government have no information.

(*e*) The matter has been referred to the Director of Industries.

[MR. T. K. Velu Pillai.]

Castewar Statement of Trained Graduate Teachers.

255. MR. JOSEPH PANJIKARAN (*Shertallai*): Will the Government be pleased to place on the table a castewar statement showing the names of the trained graduates in departmental English High Schools, the optional subjects in which they have passed and the subjects which they are teaching?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The statement required by the member is available for reference in the office of the Secretary to the Legislative Council.

Jenmi-Kudiyan Regulation.

256. MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*):

(*a*) Will the Government be pleased to state the cause of the long delay in the introduction of the Jenmi-Kudiyan Bill in the Council by the Additional Head Sirkar Vakil?

(*b*) Will they be pleased to state the progress he has made in the matter?

(*c*) If the Additional Head Sirkar Vakil cannot find time to attend to this, have the Government any objection to entrust the work to any other official or non-official member of the Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*):

(*a*) The matter is one of considerable importance affecting large interests, and it, therefore, took some time for the Bill being drafted and published.

(*b*) The draft Bill has already been published in the *Gazette*.

(*c*) In view of the answer to part (*b*), this question does not arise.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Regarding the answer to part (*b*), may I know, from the Government or the member in charge of the question, the nature of the importance that stood in the way of the Additional Head Sirkar Vakil in disposing of the Bill?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the first place, the report itself was very long and it took a sufficiently long time to read and digest. No specific instructions were given and, therefore, all the previous papers on the subject had to be read and the amendments had to be gathered from the representations made on the subject, and that, along with other work, took time.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Will the Law Member be pleased to state whether he has given sufficient attention to the numerous grievances of the tenants in Travancore?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): All the representations made in the Assembly were taken into consideration

Jenmi-Kudiyan Committee.

257. MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Government be pleased to state:

(*a*) the date of appointment of the Jenmi-Kudiyan Committee:

(*b*) the date of the report submitted by that committee;

(*c*) the number of times and the dates on which questions were asked in the Legislative Council regarding the promptness with which a Bill on the subject should be placed before the Council;

(*d*) whether the Legislative Department has done anything in the matter after the last reply on the subject was given;

(*e*) the result of the action so far taken; and

(*f*) whether the Bill will be introduced in the next session so that it may be passed into law before the expiry of the term of the present Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*):

(*a*) The Jenmi-Kudiyan Committee was appointed in September 1915.

(*b*) The report was submitted by the Committee in June 1916.

(*c*) Five questions on the subject were asked, one each at the meetings of the Council held on the 7th April, 1920, and the 11th November, 1920, two at that of the 25th November, 1922, and one at that of the 3rd November, 1923.

(*d*) and (*e*) The member is referred to the answer to part (*b*) of question No. 256.

(*f*) The Bill cannot be introduced at the next session of the Council.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): With reference to the answer to part (*f*), may I know what is the meaning of the expression "next session"?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Budget session.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is there any reason for not introducing the Bill in the budget session?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The only reason is that being a very important measure and likely to take some time in the discussion of the important principles in the Bill, it was thought that there would be no time available for it in the budget session.

MR. T. K. VELU PILLAI (*Trivandurm* cum *Nedumangad*): Has the Bill not been published in the *Gazette*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, it has been published.

Appointment of Munsiffs.

258. MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): (*a* Will the Government be pleased to lay on the table a statement showing the number of Munsiffs recruited from (1) the High Court Bar; (2) the District Court Bar; and (3) the clerical staff, during the last ten years?

[Mr. R. Krishna Pillai.]

(b) Do they know that the Munsiffs in the Madras Presidency are mostly recruited from the District Court Bar, as the vakils who practise before the District Court are better acquainted with the details of work in the original court than High Court Vakils whose practice is confined to appellate work?

(c) Will the Government be pleased to draw the attention of the High Court to this matter and direct the High Court to recommend qualified members of the District Court Bar for filling future vacancies, as far as possible?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) (1) High Court Bar	...	15
(2) District Court Bar	...	Nil.
(3) Clerical staff	...	14

(b) Government have no information.

(c) The High Court will be requested to consider the claims of qualified members of the mofussil Bar also, in connection with the recruitment of Munsiffs.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): With regard to the answer to part (b), may I know whether the Government have made any enquiry into these facts?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have not made any enquiry.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minchil*): May I know the reason why Government have not made any enquiry?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) There was no opportunity to enquire into that question.

Expenditure on Minor Irrigation Works.

259. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state the amount of money allotted for minor irrigation works in the State—

(i) for the years 1052, 1053, 1054, 1055 and 1056; and

(ii) for each of the past five years, as also for 1099?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(i) A statement * furnishing the information, as far as available, is laid on the table. The allotments for the years 1052-1056 are not known. In the statement the expenditure incurred during these years is furnished in lieu of the grants. Further, the figures include the expenditure on major irrigation works also, as the minor and major irrigation works were not in those years accounted for separately as is done now.

(ii) A statement† giving the information is laid on the table.

* *Vide* appendix VI A —page 920. † *Vide* appendix VI B—page 923.

Examiners and Superintendents for Vernacular Examinations.

260. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): (*a*) Will the Government be pleased to state the principle accepted in selecting examiners and superintendents (chief and assistant) for the Vernacular School Leaving Examination, the Vernacular Higher Examination and the vernacular portion of the English School Leaving Certificate Examination?

(*b*) Will they state why such examiners and superintendents are not selected from among Assistant Inspectors of Vernacular Schools and Headmasters of Training Schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The principle is to appoint the best persons available as examiners and assistant examiners. Superintendents are selected from the officers on the spot.

(*b*) Assistant Inspectors of Vernacular Schools and Headmasters of Training Schools are also among the persons selected as examiners and superintendents.

Repair of Bunds and Culverts in West Kalladai.

261. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state what steps they have taken to repair the broken bunds and culverts of the west Kalladai *pakuthi*, Kunnattur taluk?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Three estimates received from the Chief Engineer amounting in all to Rs. 49,230 on account of closing breaches in the Kallada flood banks have been sanctioned and the works have been started. Another estimate for Rs. 6,730 is under the consideration of the Government.

Adur Munsiff's Court Buildings.

262. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) why the construction of the new buildings for the Munsiff's Court at Adur was stopped;

(*b*) when it was stopped; and

(*c*) whether the Government intend completing the same, and if so, when?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The estimated cost of the building was found to be high, and the Chief Engineer was, therefore, asked to submit a revised estimate either by altering the design or by modifying the specification.

(*b*) In June, 1922.

(*c*) The matter will be considered after the revised estimate is received.

Revenue from Timber Sales.

263. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(1) the percentage of increase in the tariff rates of timber during the last five years;

[Mr. R. Krishna Pillai.]

(2) whether the quantity of timber extracted during the last five years has increased, or decreased and, if so, in what proportion; and

(3) whether the net revenue from the sale of timber has been affected by the above two factors?

MR. S. PARAMESVARA AIYAR (*Secretary to Gvernment*):

(1) The percentage of increase in the tariff rates of timber has been below 50 per cent. in 32 cases, and above 50 per cent. in 30 cases.

(2) Compared with the figures of 1094, there was an increase in the quantity of timber extracted by the department during the years 1095 and 1096, while during 1097 and 1098 there was a decrease. A statement* showing the proportion of increase or decrease in the quantity of timber extracted during these years is laid on the table.

(3) No.

Damage to Chavara Canal by Motor Boats.

264. MR. N. PADMANABHA PILLAI (*Karunagapalli*):

(*a*) Will the Government be pleased to state whether they are aware of the great damage done to the banks on either side of the Chavara canal by the action of the waves caused by motor and steam boats plying along the canal?

(*b*) Are they aware that considerable loss is being thereby caused to landholders year after year?

(*c*) Will the Government be pleased to take early steps to prevent the damage?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Some damage is reported to be caused.

(*b*) Government have no information.

(*c*) Government are unable to do so.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): With reference to the answer to part (*b*), may I know whether the Government will call for information on the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have no objection to call for information.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): With reference to the answer to part (*c*), may I know why Government are unable to take steps to prevent the damage?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Because Government consider that land-holders should protect their own lands against damage.

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* *Vide* appendix VII—page 923.

Statistics re. Graduate Teachers recently Confirmed or now Officiating.

265. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to place on the table a statement giving information under the following heads: (1) about graduates confirmed as teachers in the Education Department in the English and vernacular schools for boys during the last three years; and (2) about graduates who are now acting as teachers in them, *viz.*,—

(i) name; (ii) caste; (iii) whether native of Travancore or not; (iv) optional subjects for the B. A. Degree examination; (v) class in which he passed—whether Honors or Pass Degree; and (vi) total length of acting period, with interruptions, if any, on the date of confirmation or on the 1st Dhanu, 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The statement required by the member is available for reference in the office of the Secretary to the Legislative Council.

MR. M. N. PILLAI (*Trivandrum*): May I know whether the Government have any objection to place the statement on the table?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Absolutely none, except the difficulty involved in printing it, consisting as it does of the names of about one hundred and fifty graduates.

MR. M. N. PILLAI (*Trivandrum*): There are only 150 names.

PRESIDENT: Is it one hundred and fifty pages or one hundred and fifty names?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): One hundred and fifty names with various particulars in respect of each name.

MR. M. N. PILLAI (*Trivandrum*): But will they place it on the table next time?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes, if the member desires, it will be placed.

New Appointments in the Revenue Department.

266. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to state the number of non-Hindus and non-caste Hindus newly recruited to the Land Revenue Department from the date of the separation of Devaswoms from the Revenue Department and the pay on which those were entertained?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Twenty-eight non-Hindus and eighteen non-caste Hindus were newly recruited to the Land Revenue Department from the date of separation of Devaswoms from that department. Information as to the pay on which they were entertained is given below:

Non-Hindus.—1 on Rs. 40, 1 on Rs. 25, 7 on Rs. 20 each, 2 on Rs. 15 each, 5 on Rs. 14 each, 1 on Rs. 10, 6 on Rs. 9 each and 5 on Rs. 8 each.

[Mr. N. Ramakrishna Pillai.]

Non-caste Hindus.—1 on Rs. 15, 14 on Rs. 14 each, 2 on Rs. 9 each and 1 on Rs. 8.

Lands Registered to Members of Depressed Classes in Agastisvaram.

267. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to state the total area of lands registered in the names of members of the depressed classes in the Agastisvaram taluk during the first four months of 1099?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Ten cents.

MR. PAUL V. DANIEL (*Agastisvaram*): Was this due to want of lands available for registration or for want of applications?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Agastisvaram is a taluk where there are very few *puduval* lands available for registry. That must have been the reason.

Accommodation in the Kottar Departmental Vernacular School.

268. MR. PAUL V. DANIEL (*Agastisvaram*): (*a*) Will the Government be pleased to state the number of pupils now on the rolls in the Kottar Departmental Vernacular School?

(*b*) Are the Government aware that the accommodation available in that school is, at present, insufficient?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The strength of the Kottar Departmental Vernacular School on the 1st Chingam, 1099, was 898.

(*b*) Yes.

English High School Buildings at Nagercoil.

269. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to issue instructions to the Public Works Department to expedite the construction of the new English High School buildings at Nagercoil?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

The work is making steady progress.

Transfer of Officers from the Huzur Office to the Excise Department and vice versa.

270. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*):

(*a*) With reference to the reply given by the Chief Secretary to Government to the motions brought forward by Messrs. T. Kumara Pillai and K. P. Raman Pillai in the Karkatakam session of the Legislative Council in 1098 that it would be the policy of the Government to maintain a free flow of hands from the General and Revenue Secretariat to the executive and from the executive to the Secretariat, and with reference again to the representations made in the same Council

by Messrs. T. K. Velu Pillai, A. Hoogewerf and other members, that there is absolute necessity for infusing fresh blood into the executive branch of the Excise Department, will the Government be pleased to state the number of hands sent out from the Secretariat to the Excise and other departments and the number of hands taken to the Secretariat from the Excise and other departments from the 1st Chingam, 1099, to the 1st Dhanu, 1099?

(*b*) Are the Government aware that the late Excise Commissioner, Mr. Raman Pillai, repeatedly brought to the notice of the Government the necessity for appointing fresh men from the Secretariat to the Excise Department, that, with this object, he recommended the appointment of many graduate clerks of the Huzur Secretariat as Circle Officers and Excise Inspectors, and that the Government sanctioned such recommendations?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Government find that a free exchange of officers between the Secretariat and the non-technical executive departments is not possible unless the officers are grouped and brought under the same or similar *cadre*. The matter is being considered by the Government.

(*b*) The late Excise Commissioner, Mr. N. Raman Pillai, appears to have made such proposals on two occasions and they were sanctioned by the Government.

Trivandrum P. W. Sub-Division Charge.

271. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): (*a*) Will the Government be pleased to state whether it is a fact that Assistant Engineers alone are generally put in charge of the Trivandrum Sub-division?

(*b*) If so, why is a Supervisor put in charge of that Sub-division?

(*c*) Are there competent Assistant Engineers in the department who may be put in charge of Sub-divisions?

(*d*) Is it a fact that two Chief Engineers, Messrs. Bastow and Jacob, had recommended to the Government that Mr. G. V. Subrahmanya Aiya, the acting Sub-divisional Officer, Trivandrum, should not be put in charge of any Sub-division and that in pursuance of those recommendations the Government had removed him from Sub-division charge?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) The answer is in the negative.

(*b*) In view of the answer to part (*a*) this question does not arise.

(*c*) Yes; and they are in charge of Sub-divisions now.

(*d*) The answer is in the negative.

Kattippanam Case.

272. MR. M. N. PILLAI (*Trivandrum*): What action did the Government take in regard to the open allegations of corruption,

[Mr. S. Paramesvara Aiyar.]

such as *kattippanam,* made in the Council with regard to the administration of the Excise Department?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to the answer given to Mr. G. Paramesvaran Pillai's interpellation No. VIII on the same subject at the meeting of the Legislative Council held on the 28th July, 1921.

Continuance of Monopoly System in certain Taluks.

MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether they propose to continue the monopoly system for the years 1100 and 1101 in the taluks of Shertallai, Vaikam, Alangad and Parur?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

Teachers' Provident Fund.

273. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Are the Government aware that the provision of a provident fund for teachers is made compulsory in the case of private schools in the Madras Presidency?

(*b*) Will the Government be pleased to state whether they will also make it compulsory, and not optional, here also?

(*c*) Are the Government aware that the interest fixed is only $3\frac{1}{2}$ per cent. here? Will they be pleased to take action to raise it?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) The answer is in the negative.

(*c*) The answer to the first part is in the affirmative and to the second part in the negative.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): With respect to the answer to part (*b*) of my question, may I know why Government cannot make it compulsory?

MR S. PARAMESVARA AIYAR (*Secretary to Government*): The Director of Public Instruction is of opinion that the time is not yet ripe for the measure being made compulsory in private schools.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Has he considered the question?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The matter was referred to him and he has considered it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know, with reference to the answer to part (*c*) of the question, why the Government cannot raise the percentage of interest?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): For financial reasons.

Appendix I.

Vide Answer to Question No. 242.

Statement showing the area of lands assigned on concessional terms to the depressed classes in the several taluks during 1096, 1097 and 1098.

Name of Taluk.	Area.	
	Acres.	Cents.
Tovala	1	31
Agastisvaram	5	33
Kalkulam	20	97
Vilavankod	102	34
Neyyattinkara	2	4
Trivandrum	...	96
Nedumangad	141	69
Chirayinkil	15	72
Quilon	7	10
Karunagapalli	...	30
Kartikapalli	8	15
Kunnattur	9	26
Kottarakara	39	58
Ambalapuzha	3	85
Mavelikara	119	30
Tiruvalla	52	69
Pattanamtitta	29	33
Pattanapuram	3	15
Shencottah	...	...
Kottayam	26	98
Changanachery	32	76
Shertallai	21	22
Vaikam	41	92
Minachil	22	45
Muvattupuzha	79	37
Kunnatnad	3	73
Todupuzha	121	6
Parur	75	...
Devicolam	11	46
Peermade	9	49
Total. ...	1,008	51½

Appendix II.

***Vide* Answer to Question No. 244.**

Statement showing the amount of *kudivila* paid each year from 1094 to 1098.

Year.	Northern Division.			Quilon Division.			Central Division.			Shencottah Division.			Kottayam Division.			Southern Division.		
	Rs.	chs.	c.	Rs.	chs.	c.	Rs.	chs.	c.	Rs.	chs.	c.	Rs.	chs.	c.	Rs.	chs.	c.
1094	72	21	15	...	...	...	...	...	...	...	...	...	9,324	26	8	2,429	23	15
1095	45	12	13	...	...	...	2	5	4	...	...	...	719	17	11	...	...	...
1096	...	...	...	...	...	...	1,350	4	13	...	...	...	19,373	18	5	...	...	...
1097	...	...	...	549	7	6	14,010	17	0	...	...	...	10,839	6	13	...	...	...
1098	...	...	...	312	6	3	...	...	...	...	...	...	20,379	13	10	...	...	...
Total	118	6	12	861	13	9	15,362	27	1	...	...	...	60,636	26	15	2,429	23	15

Castewar statement of holders of Government scholarships during the years 1096, 1097 and 1098 with the value of each per mensem.

Castes.	1096							1097							1098							Remarks.
	Rs. 15	Rs. 10	Rs. 7	Rs. 5	Rs. 4	Rs. 3	Rs. 2	Rs. 15	Rs. 10	Rs. 7	Rs. 5	Rs. 4	Rs. 3	Rs. 2	Rs. 15	Rs. 10	Rs. 7	Rs. 5	Rs. 4	Rs. 3	Rs. 2	
Tamil Brahmins ...	5	24	5	33	...	...	...	5	27	5	31	1	...	...	5	29	5	32	...	5	...	Forty scholarships varying from Rs. 5 to Rs. 2 are annually awarded to the pupils who study Veda in the Veda Patasala attached to the Sanskrit College. The recipients of these scholarships are Brahmins and each scholarship is tenable for a period of four months.
Nayars ...	4	23	1	57	...	...	...	3	25	1	55	...	...	...	3	21	3	78	...	4	1	
Christians ...	4	33	...	101	...	...	...	4	42	...	101	...	...	...	4	37	...	140	...	4	...	
Vellalas ...	...	...	...	4	...	...	...	...	1	...	4	...	...	...	...	2	...	7	...	7	...	
Ezhavas ...	...	2	2	12	...	...	...	...	4	...	12	...	...	...	...	6	1	31	...	16	2	
Nadars ...	...	1	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	3	...	2	...	
Mahomedans ...	...	5	...	11	...	34	...	...	4	...	39	...	46	...	...	5	...	27	...	81	...	
Rajas and Kshatriyas ...	...	...	...	7	...	...	...	...	2	...	6	...	...	...	...	4	...	4	...	1	...	
Ambalavasis ...	...	2	...	...	...	...	...	...	2	...	2	...	...	...	...	1	...	3	...	...	...	
Malayala Brahmins ...	1	3	3	2	...	...	...	1	2	2	3	...	...	...	...	1	...	5	...	...	...	
Konkana Brahmins ...	...	...	1	1	...	...	...	...	...	1	1	...	...	...	...	1	1	4	...	...	...	
Nambutiris ...	...	...	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	1	...	...	...	
Muppans ...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	
Maravas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	3	...	
Asaris ...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	7	...	7	...	
Vanians ...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	2	...	2	...	
Sambavars ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	3	...	
Pattarians ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	
Barbers ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	5	...	
Aiyanavars ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1	...	
Krishnavakais ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	
Goldsmiths ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	4	...	
Arayas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	2	...	2	...	
Paravas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	
Kammalans ...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	1	...	...	1	1	1	...	
Kaniyans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	3	...	
Washermen ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	...	
Parayas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	1	
Kadasans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Sakkaravas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Chetties ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	
Pulayas including Converts ...	...	...	...	...	...	1	...	...	...	...	...	...	2	2	...	...	...	...	...	10	3	
Kollans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Yadavas ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Kakkalans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Marans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Pandarams ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Valans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Mukkuvas including Converts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	
Kusavans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	
Tandans ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	
Total ...	14	93	12	232	1	35	1	13	109	9	259	1	48	2	13	108	11	358	1	184	8	

Appendix IV.

Vide **Answer to Question No. 249.**

List of Applicants for the place of Assistant Surgeons.

No.	Name of applicant.	Date of receipt of application.	Qualification.	Caste.	Whether Tavancorean or not.	Remarks.
1	C. Oomman	18-1-1919	M. B. B. S.	Syrian Christian	Travancorean	Joined British service.
2	J. Alexander	6-3-1919	M. B. Ch. B. (Aberdeen)	Do.	Do.	Entertained in service for special work.
3	P. P. John	11-3-1919	M. B. B. S.	Do.	Do.	Joined British service.
4	M. Subbiah	10-6-1919	Do. (Bombay)	Not known	Not known	
5	K. M. Thomas	28-10-1919	L. M. & S. (Madras)	Roman Catholic	Travancorean	Joined British service.
6	H. Krishna Rao	15-11-1919	M. B. (Chicago) D. M. I Do. D. S. I. Do.	Hindu Brahmin	Mysorean	
7	Kailasa Chandra Ganesh Khandakar	17-1-1920	M. B. B. S. (Bombay)	Not known	No.	
8	Suresh Kumar Roy	2-2-1920	M. B. (Calcutta)	Bengali Brahmin	Do.	
9	T. C. Joseph	13-2-1920	L. M. & S. (Madras)	Syrian Catholic	Travancorean	Joined British service.
10	T. K. Kuruvila	5-5-1920	M. B. B. S.	Syrian Christian	Do.	Entertained in service. Qualifications :—House Surgeon in the Madras General Hospital for 6 Months. Temporary Civil Assistant Surgeon in the Madras Provincial Medical Service for 2 years. Special course in Dentitary, Bacteriology and applied Bacteriology.
11	G. Sankaran Tampi	15-6-1920	B. A., M. B. B. S., Capt. I. M. S.	Nayar	Do.	Offered an acting vacancy, but preferred British service.

Appendix IV—(*contd.*)

No.	Name of applicant.	Date of receipt of application.	Qualification.	Caste.	Whether Travancorean or not.	Remarks.
12	N. K. Chandavarkar	8-10-1920	M. B. B. S. (Bombay)	Not known	No.	
13	R. M. Matthew	Octr: 1920	M. B. B. S.	Syrian Christian	Travancorean	
14	T. C. Matthew	3-12-1920	L. M. & S. (Madras)	Do.	Do.	
15	K. P. Thomas	3-12-1920	Do.	Do.	Do.	
16	Miss I. Gomez	15-4-1921	M. B. B. S.	Roman Catholic Anglo-Indian	Do.	Entertained in Travancore service.
17	M. Mammen	2-5-1921	Do.	Syrian Christian	Do.	
18	A. J. George	3-5-1921	L. M. & S. (Madras)	Christian	Do.	
19	C. O. Karunakaran	9-5-1921	M. B. B. S.	Ezhava	Do.	Said to have taken service outside India.
20	M. N. Menon	14-6-1921	B. A., M. B. B. S.	Nayar	Not known	
21	J. Forbes	14-6-1921	M. B. Ch. B. (Aberdeen)	Anglo-Indian	Do.	
22	F. Christian	20-6-1921	M. R. C. S. (England) L. R. C. P. (London) & L. M. (Rotunda)	Christian	Travancorean	
23	P. K. Parasuraman	8-7-1921	M. B. B. S. (Madras)	Not known	No.	
24	M. O. Chacko	13-7-1921	M. B. (Calcutta)	Syrian Christian	Travancorean	
25	J. B. Sen	14-7-1921	Do.	Not known	Not known	
26	Stephanos J. Eapen	31-8-1921	M. B. Ch. B. (Edin)	Syrian Christian	Travancorean	Joined British service.
27	V. T. Nainan	3-9-1921	L. M. & S.	Do.	Do.	
28	P. G. Govindan Unnittan	19-11-1921	Do.	Nayar	Do.	Joined British service.
29	W. D. Nimbkar	31-1-1922	Capt. I. M. S., F. R. C. S. (Edin)	Not known	Not known	
30	C. S. Govinda Pillai	18-3-1922	M. B. Ch. B., D. P. H., and S. E.	Nayar	Travancorean	Recommended, but took service in British India.
31	A. N. N. Panikkar	20-3-1922	M. B. Ch. B., M. R. C. S., L. R. C. P., Etc.	Ezhava	Do.	Entertained in service.
32	G. S. K. Aiyar	15-4-1922	Capt. I. M. S., M. B.	Brahmin	Not known	

Appendix IV (*concld.*)

No.	Name of applicant.	Date of receipt of application.	Qualification.	Caste.	Whether Travancorean or not.	Remarks.
33	M. Govinda Pillai	2-5-1922	M. B. B. S.	Nayar	Travancorean	Offered an acting vacancy twice but preferred British service.
34	P. V. Benjamin	8-5-1922	Do.	Christian	Do.	
35	K. N. Raghunatha Rao	12-5-1922	Do.	Konkana Brahmin	Do.	
36	S. Ramachandran	12-5-1922	Do.	Not known	Not known	
37	Vishnu Prasad P. Trivedi	16-6-1922	Do. (Bombay)	Do.	No.	
38	K. R. Vidyarthi	19-7-1922	Do. (Punjab)	Do.	Not known	
39	R. Raghava Putuval	9-9-1922	Do.	Ambalavasi	Travancorean	
40	C. J. Titus	2-10-1922	L. M. & S. (Madras)	Protestant Christian	Do.	
41	Jacob Taliat	12-10-1922	M. B. B. S. (Bombay)	Roman Catholic	Do.	
42	P. N. Narayanan	28-11-1922	M. B. B. S.	Ezhava	Do.	
43	R. Anantan Pillai	4-12-1922	L. M. and S.	Nayar	Do.	
44	K. E. Maden	13-12-1922	L. M. S (Bombay) D. O. M. S. (London)	Parsee	Not known	
45	K. John	2-4-1923	M. B. B. S.	Christian	Travancorean	
46	S. K. Ganapati Aiyar	19-4-1923	L. M. and S. (Madras)	Brahmin	Not known	
47	Mrs. M. John	4-5-1928	M. B. B. S.	Protestant Christian	Travancorean	
48	G. S. Mahadeviah	14-5-1923	M. B. B. S. (Bombay)	Not known	Not known	
49	M. K. Sambasivan	19-6-1923	M. B. B. S.	Brahmin	Travancorean	
50	A. O. Jacob	2-8-1923	B. A., M. B. B. S.	Syrian Christian	Do.	
51	R. J. Alexander	23-8-1923	Not known	European	No.	
52	D. K. Raman Pillai	28-11-1923	L. M. and S.	Nayar	Travancorean	

Appendix V.

***Vide* Answer to Question No 251.**

Statement of Public Health Lectures.

Name of the Officer.	Number of Lectures or informal talks.	Names of places at which lectures are delivered or informal talks given.	Subjects dealt with.
S. Rangaswami Aiyangar, Nagercoil Circle.	9 in 1098.	Bhuthappandi (twice) Suchindrum, Mandakad, Cape, Tiruvattar, Munchira, Tiruppatisaram and Perakkai.	(1) Personal Hygiene; (2) overcrowding. (3) Vaccination; (4) small-pox. (5) Cholera.
	1 in 1099.	Aramboly.	(1) Evil effects of overcrowding.
P. V. Jacob, Trivandrum Circle.	40 in 1098.	Vettikad, Pedikad, Nedumangad (3 times), Balaramapuram (6 times) Perumpazhutur, Karinkal (2 times), Kaliakkavila (2 times), Oollur (2 times), Murukkumpuzha, Cheruvarakkonam, Putukkada, Puvar (5 times), Kattakkada, (2 times), Kovalam, Vizhinjam, Kazhakkuttam, Pallipuram, Varkala, (2 times), Palukal, Pongumud, Itava, Nemam, Chilakkur and Perurkadai.	(1) Public Health. (2) Hygiene.
	6 in 1099.	Cheruvarakarai, Arimanur, Kattakkada, Azhur, Arumalur and Balaramapuram.	(1) Cleanliness. (2) Hygine. (3) Bath.
R. Subrahmanya Aiyar, Kottarakara Circle.	24 in 1098.	Asramam (4 times), Prakkulam (2 times), Kannimel, Chadayamangalam (2 times), Kadakkal (3 times), Parakode, Velinellur, Anjel (2) times), Agastyakode, Samburvadakara, Elattur, Oyur, Kuzhimattakad, Talavur, Ezhaukulam and Kadambanad.	(1) Small-pox and vaccination. (2) Evils of using impure water. (3) Prevention of pollution of water in wells. (4) Cleanliness.

Appendix V.—(*contd.*)

Name of the Officer.	Number of Lectures or informal talks.	Names of places at which lectures are delivered or informal talks given.	Subjects dealt with.
R. Subrahmanya Aiyar, Kottarakara Circle,—(*contd.*)	7 in 1099	Matilil. Chadayamangalam, Samburvadakara, Vengar, Ezhukone, Vettikavala and Aryankavu.	(1) Small-pox and vaccination. (2) Cleanliness. (3) Evils of drinking impure water. (4) Personal hygiene. (5) Benefits of infantile vaccination. (6) Keeping houses neat.
N. Nilakantan Tampi, Mavelikara Circle.	4 in 1098	Ochira, Krishnapuram, Pandalam and Mutukulam.	
	3 in 1099	Anjilipara, Kartikapalli and Evur Vadakkukizhakku.	(1) Vaccination. (2) Cholera. (3) Preventive measures against Cholera.
C. John Jacob.	11 in 1098		
Tiruvalla.	3 in 1099	Venmani (2 times) and Edattuva.	(1) Small-pox and benefits of vaccination.
P. Raman Pillai.	1 in 1098		
	2 in 1099	Vadayar and Talayolaparampu.	(1) Vaccination and small-pox.
A. S. Samadharam	22 in 1098	Kuravalangad, Antinad. Ramapuram (2 times), Erattupetta, Peermade, Kumili, Meenachil (2 times), Kizhtadiyur (2 times), Payapara (2 times). Kidangur, Lalam, Kudapalam, Poonad, Valavur, Kudakkachira, Edanad, Ulanad and Nechipuzhur.	(1) Sanitation. (2) Vaccination.
	2 in 1099	Kanjirapalli North and Meenachil.	(1) Sanitation. (2) Vaccination.

Appendix VI.

***Vide* Answer to Question No. 259**

A

Statement of expenditure incurred by the P. W. D. under "works and repairs" for the years 1052 to 1056, on irrigation works.

Year.	Works.	Repairs.	Total.
1052	...	...	...
1053	15,587	1,06,583	1,22,170
1054	...	...	...
1055	60,097	38,849	98,946
1056	78,858	15,332	94,190

B

Statement showing the allotments made in the P. W. D. budgets under "works and repairs" for the years 1094 to 1099 for minor irrigation works.

1094	12,913	11,304	24,217
1095	27,165	12,252	39,417
1096	18,590	12,622	31,212
1097	55,490	13,022	68,512
1098	53,000	17,552	67,552
1099	98,230	15,870	1,14,100

Appendix VII.

***Vide* Answer to Question No. 263.**

Statement showing the quantity of timber extracted by the Forest Department during the years 1094 to 1098.

Year.	Round logs. C. ft.	Sawn or axed. C. ft.	Total C. ft.	Percentage of increase or decrease	Remarks.
1094	3,12,908	98,095	4,11,003	...	
1095	5,55,401	1,69,477	7,24,878	76	Increase.
1096	7,31,897	2,82,012	10,13,909	39	Do.
1097	4,09,324	2,41,090	6,50,414	35	Decrease.
1098	3,33,128	2,61,335	5,94,463	8	Do.

[President.]

THE NAYAR REGULATION AMENDMENT BILL.

PRESIDENT: Notice of certain new amendments in connection with the Nayar Regulation Amendment Bill has just been received. The new amendments have been printed and they are very long. I think the members would need some little time to realise the full implication of these new amendments. I would like to give the House a short adjournment of about an hour, so that the members can go through the amendments and try to realise their significance before we begin to discuss them. I think the House has no objection to the proposal. We will meet again at 1 o' clock.

The Council adjourned at 12-3 P. M. and met again at 1-3 P. M.

PRESIDENT: The House will remember that, on Saturday afternoon, Clause 6 of the Bill was deleted and Clause 7 made part of the Bill. Amendments to Clause 8 were held over. That was the position when the meeting closed on Saturday evening. We shall now proceed with the amendments to Clause 8. No amendments to Clause 7 can now be considered as it has been made part of the Bill The first amendment to Clause 8 is the amendment to be moved by Mr. C. P. Kochukunju Pillai.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In to-day's list of amendments, we have an amendment to Clause 7.

PRESIDENT: Here is an amendment by Mr. Changanachery Paramesvaran Pillai which runs as follows:--Add, at the end of the new Clause 6, the following:—

"*The court shall enquire into the petition and may grant a dissolution of the marriage on proof of any of the grounds mentioned in the preceding Section: Provided that, if the respondent agrees to an order for dissolution being passed without an enquiry into the reasons for such dissolution, no such enquiry shall be held.*"

Mr. Paramesvaran Pillai, I think by that you mean the old Clause 7. The re-numbering of Clauses will be done, after the whole Bill is taken up and discussed, by the Secretary to the Legislative Council. Evidently, therefore, you mean Clause 7, but that has been passed and made part of the Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Clause 7 has been re-numbered as Clause 6.

PRESIDENT: That will be done in the course of re-numbering. The House need not re-number it. All that the House has said is that Clause 7 forms part of the Bill. That was what we decided last evening. Re-numbering is the function of the Council Secretary and it will be done after the second reading of the Bill is completed. Therefore, Mr. Paramesvaran Pillai's amendment, which relates to that Clause, I am afraid, is not in order.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It may be taken as Clause 8.

PRESIDENT: You want the mistake to be treated as a clerical mistake. How will you put it? I must first take up the old amendments of which notice has already been given.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There is another clerical error also. The amendment that I had sent up was as follows:

"Two months after the service of the copy as aforesaid, if the petition is not withdrawn, the court shall enquire into the petition and may grant a dissolution of the marriage on proof of any of the grounds mentioned in the preceding Section: Provided that, if the respondent agrees to an order for dissolution being passed without an enquiry into the reasons for such dissolution, no such enquiry shall be held."

PRESIDENT: You want that to be treated as an amendment to the old Clause 8.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The whole of Clause 8 has to be deleted.

PRESIDENT: There is no such amendment before the House.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is the next amendment of Mr. Changanachery Paramesvaran Pillai.

PRESIDENT: What about the old amendments on the agenda? There is for instance the amendment standing in the name of Mr. C. P. Kochukunju Pillai.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I think Mr. Kochukunju Pillai will withdraw his amendment.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): The old Clause 8 has to be deleted. Therefore, I do not want to move that amendment.

MR. JOSEPH PANJIKARAN (*Shertallai*): I do not move the next amendment as it relates to Clause 8 of the Bill as revised by the Select Committee. That Clause has to be deleted now. Under these circumstances, I do not move it.

The following amendments were not moved:—

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Delete the existing Clause and substitute the following:—

"Six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the court shall declare in writing the marriage dissolved and then determine the amount of compensation. The dissolution shall take effect from the date of the order declaring it."

MR. JOSEPH PANJIKARAN (*Shertallai*): Delete the whole of the existing Clause and substitute the following:—

"8. (1) When the petitioner is the wife, six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the court shall declare in writing that the marriage is dissolved.

[Mr. K. Paramesvaran Pillai.]

(2) (a) When the petitioner is the husband, six months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, the court shall determine the amount of compensation payable to the wife in case the reasonableness of the amount offered is disputed.

(b) Subject to the provisions of the Code of Civil Procedure and the Limitation Regulation applicable to appeals from original decrees, an appeal shall lie to the High Court from the award of compensation or from any part of such award of the District Munsiff under this Section.

(c) When the award has become final, or six months after the service of the copy as laid down in Section 7 in case there is no dispute about the compensation offered, the compensation amount shall be paid into court by the petitioner. On such payment into court of the compensation amount, the court shall declare in writing that the marriage is dissolved.

(3) The dissolution shall, in all cases, take effect from the date of the order declaring it.

(4) Save in so far as they may be inconsistent with anything contained in this Section, the provisions of the Code of Civil Procedure shell apply to all proceedings under this Section.

(5) When an appeal is preferred under this Section, Court fee shall be levied on the value of the subject-matter in appeal under the Court Fees Regulation."

MR. M. N. PILLAI (*Tirrandrum*): I move my am ndment:—"Sub-clause (1)" Delete.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): With your permission, Sir, I beg to move that the remaining amendments to Clause 8 as per the original agenda be considered after the amendments of Messrs. K. Paramesvaran Pillai and P. K. Narayana Pillai relating to Clause 8 are disposed of. The amendments of Messrs. Narayana Pillai and Paramesvaran Pillai bring about radical changes in the Clause itself, and the other amendments may not arise at all if those two amendments are taken up first.

MR T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I second the proposal.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That relates only to the order of amendments and the President has got the power.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is no objection to that.

PRESIDENT: That is within my discretion. I have no objection to those amendments standing over until the new amendments are discussed and disposed of

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, before formally moving my amendment, I shall make a few explanatory remarks in view of the fact that this is the first time in history of Travancore that a divorce law is being enacted and also in view of the further fact that these amendments are new and the House has not had sufficient time and opportunity to study them. With the greatest respect to the House, I must submit that, at the time Mr. Govinda Menon's amendment was voted upon by the members, I am inclined to think

that due prominence was not given to the seriousness of the amendment itself. It appears, that out of 50 members present in this House on that occasion, only 27 voted on that amendment, the remaining 23 remaining neutral. If the real seriousness of the situation had been realised, I am quite sure that this House would not have allowed an amendment which changed the character of the Nayar Society numbering about seven lakhs in Travancore to be passed, by the votes of 27 members about 50 per cent of the members remaining indifferent.

PRESIDENT: I do not know if you are in order in criticising the decision of the House.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I object to the word "indifferent." The House was not certainly "indifferent."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I did not mean "indifferent." I meant "neutral."

PRESIDENT: I do not think you are quite in order in criticising the decision of the House which was arrived at at an earlier stage of the discussion.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I only meant to say that most of the members remained neutral. Two amendments were brought before the House, one by Mr. Hoogewerf providing for absolute prohibition of divorce and the other by Mr. Govinda Menon practically prohibiting divorce excepting under certain conditions. For various reasons, between the two amendments, I should have preferred Mr. Hoogewerf's amendment. However, this House has passed the other amendment, and the result is, we have to go into various details of private conduct, which in turn results in the washing of much dirty linen in public. Therefore, it appears to me that it has become absolutely necessary to make such amendments as are necessary for the purpose of removing the rigour of the law as it has now been enacted by this Council and to minimise the chances of enquiry into private conduct as much as possible. The object of the amendment now proposed is to introduce a new Section whereby by the consent of the defendant the need for an enquiry into the grounds for divorce is obviated. I also provide for compensation being given to the defendant when the defendant is a female irrespective of the ground for divorce unless the reason for divorce happens to be change of religion. Therefore, it amounts to this; that unless the defendant courts an enquiry into the grounds of divorce, there will be no enquiry into it at all. As soon as the defendant comes and admits that divorce may be granted, without going into the grounds, it may be granted by the court. If the defendant is woman, she would also be entitled to compensation for divorce provided she agrees for the divorce being granted without any enquiry into the grounds for the same; so that, the only case in which an enquiry will have to be made will be in the case where she does not consent to the divorce without an enquiry into the grounds for divorce. That, I submit, is the object of the amendment which I have sought to introduce.

[Mr. T. K. Velu Pillai.]

Before reading the amendment, let me thank you, Sir, for your kindness in permitting me to propose this amendment before the House.

The first amendment runs as follows:—

" *Two months after the service of the copy as aforesaid, if the petition is not withdrawn, the court shall enquire into the petition and may grant a dissolution of the marriage on proof of any of the grounds mentioned in the preceding Section: Provided that, if the respondent agrees to an order for dissolution being passed without an enquiry into the reasons for such dissolution, no such enquiry shall be held.*"

PRESIDENT: Does that to relate sub-clause (1) of Clause 8?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): This may be treated as Clause 8.

PRESIDENT: You want that to be the whole of Clause 8 and nothing else?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It may be Clause 8 (1).

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The entire provision relating to divorce may be embodied in that particular Section. This Clause is intended to obviate any enquiry into the grounds for the dissolution of a marriage if the respondent agrees to the order for divorce being passed without such an enquiry.

PRESIDENT: You are adding some words which are not in the printed list, Mr. Paramesvaran Pillai.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): " Two months after the service of the copy, as aforesaid, if the petition is not withdrawn "—these are the words that I want to add to the amendment.

PRESIDENT: You want the existing Clause 8 (1) to be substituted by the following:—

" *Two months after the service of the copy, as aforesaid, if the petition is not withdrawn, the court shall enquire into the petition and may grant a dissolution of the marriage on proof of any of the grounds mentioned in the preceding Section: Provided that, if the respondent agrees to an order for dissolution being passed without an enquiry into the reasons for such dissolution, no such enquiry shall be held.*"

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I second it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to oppose the motion. I am one of those who spoke and voted upon what has become Clause 5 of the Bill which was accepted by the Council on Saturday last. For my part, and also on behalf of the gentlemen along with whom I voted, I may assure the Council that it

is not through any *indifference* that we voted, but our voting was the result of a serious, anxious and affectionate consideration of the interests of the Nayar society and the communities to which the Nayars are related. Our object was to make divorce as difficult as possible and we desired to have a provision which would act as a deterrent. The question of divorce is no doubt an ugly question, and as it is an ugly question it is sure that respectable people will not go to courts, unless such a course is rendered absolutely indispensable. Even at the time the amendment was being discussed, we thought of bringing in consequential amendments so that, if there were any defects in the Section as it stands now, they might be rectified in the further stages of the Bill in the Council. My learned friend, Mr. Paramesvaran Pillai, a leading member of the Nayar community, has taken a great deal of trouble in getting this Bill before this House.. And if there was any provision which would not be sufficiently adverted to by the members of the House, it was open to him to give satisfactory explanations and to prevent any indifference. Personally, I would have attached very great importance to what Mr. Paramesvaran Pillai would have said. But if there are dangers which are now present to his mind, which were not then pointed out by my learned friend, the mover of the Bill, our point of view was sufficiently lucid and clean. When it is remembered that the object is to attain makkathayam in course of time, dissolutions of marriage should be rare in order to reach that goal. We therefore deliberately voted in favour of that amendment. I am glad to say that my learned friend, Mr. Narayana Pillai, as would be seen from the agenda, proposes to bring in a number of amendments. We have had the benefit of talking over the matter; for it may not be any breach of confidence to say that some 10 or 12 of us together perused those amendments. I think there is nothing *ipso facto* bad in a divorce law. Divorce should not be common, and all civilised societies make it difficult for the parties to get divorce. The provisions of the Parsi Divorce Act have been requisitioned by Mr. Narayana Pillai and I am adverting to that fact, because the Parsis, as you well know, are one of the most influential, enterprising and intelligent communities in the whole of India. There is no Indian community, Sir, which has got more self-respect than the Parsis.

PRESIDENT: You are not talking on the amendment. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): In opposing Mr. Paramesvaran Pillai's amendment —

PRESIDENT: You cannot anticipate the discussion on Mr. Narayana Pillai's amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): My object in saying—

PRESIDENT: You can only speak on this amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes; on this amendment and on the amendments which have been tabled before the House for discussion. One of the reasons for opposing this

[Rao Bahadur K. A. Krishna Aiyangar.]

amendment is that they are not so comprehensive as those tabled by Mr. P. K. Narayana Pillai.

PRESIDENT: You may make a statement. But you should not discuss the merits of other amendments now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall not read or comment upon the other amendments. I only say that I am opposing this amendment. I discuss Mr. Paramesvaran Pillai's amendment in a like spirit and take it seriously into consideration because I am sure the other amendments that follow this amendment will certainly be suited to the taste, temperament and respectability of the Nayar community. I think I am justified in opposing Mr. Paramesvaran Pillai's amendment without going into the other amendments because the points are covered more liberally. For that reason I oppose the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I am proposing my amendment as a counter-amendment to Mr. Paramesvaran Pillai's amendment.

PRESIDENT: I do not think you can do that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Am I at liberty to move my amendment independently of Mr. Paramesvaran Pillai's amendment?

PRESIDENT: Mr. Paramesvaran Pillai's amendment is now under discussion and it will first be put to the vote. Then your amendment will follow.

MR. C. SANKARA MENON (*Quilon*): May I know whether an amendment to an amendment can be moved?

PRESIDENT: An amendment to an amendment can be moved with my permission.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is therefore that I wanted your permission.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The question is whether we should consider Mr. Paramesvaran Pillai's amendment or Mr. Narayana Pillai's amendment.

PRESIDENT: It does not constitute an amendment to Mr. Paramesvaran Pillai's amendment. There is nothing preventing me to permit an amendment to an amendment. But yours is not an amendment to an amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): All these amendments are proposed to the Clauses settled by the Select Committee. At present, without understanding the relative merits and the different grounds of the amendments, the House may have to adopt a position from which it will not be possible for it to retract at a later stage. Therefore I would suggest that Mr. Narayana Pillai may be allowed to bring in his amendment so that both the amendments may be placed before the House and voted upon

PRESIDENT: Do the Standing Orders permit it? Will you kindly draw my attention to the relevant portion of the Standing Orders?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There is nothing against.

PRESIDENT: I know there is a provision in which it is stated that a motion could be split up by the President for the purpose of putting it to the vote. But whether two independent amendments or motions could be discussed together, I am not quite sure. There is nothing in the rules expressly prohibiting it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The motion is that Clause 8 be made part of the Bill.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The difficulty is not merely with this Section. It may confront us also in other Sections where several of my friends have tried their hands in drafting amendments which certainly could be regarded as new Sections.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Where the amendment is a pure substitution, I do not think that it is permissible. Where one Section is required to be substituted by another, that amendment may not be in order. But this amendment is not of that sort. It is consequential upon the amendment that was carried the other day. To my mind, the proper course will be to vote upon Mr. Paramesvaran Pillai's amendment first, and then, if it is not carried, Mr. Narayana Pillai's amendment may be taken up for consideration.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What I want is that I may be allowed to move my amendments as amendments to Mr. Paramesvaran Pillai's amendment.

PRESIDENT: Yours is not an amendment to Mr. Paramesvaran Pillai's amendment.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): With your permission, Sir, I beg to explain. The motion before the House is that Clause 8 form part of the Bill.

PRESIDENT: Yes. What the rule says is that the Bill should be considered Clause by Clause.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): There are two amendments to the Clause, *i. e.*, the amendment of Mr. Paramesvaran Pillai and that of Mr. Narayana Pillai. The President may allow both the amendments to be moved.

PRESIDENT: Would you quote a precedent?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes. In the Kallar Resolution there was an amendment by Mr. Rangaswami Aiyangar and another by another member. The two amendments were discussed together and they were put to the vote separately. The discussion was also allowed to go on on both the amendments.

[President.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): There was a principal motion and the amendment was not an independent amendment but an amendment to the motion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The principal motion is that Clause 8 do form part of the Bill. So these two amendments may be considered together for the present.

PRESIDENT: If that principle is accepted, all the amendments relating to one Clause will have to be discussed together. Whatever the precedent be in respect of the Kallar Resolution, it can hardly be followed.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is why the Standing Order says that the President may exercise his discretion. So, here is a matter in which the President may exercise his discretion.

MR. A. HOOGEWERF (*Nominated*): A difficulty presents itself to my mind. When one amendment is opposed, how can the other amendment be moved?

PRESIDENT: I realise the difficulty.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to draw your attention to one point. As the amendments are substantially similar, if one of the amendments is carried, the other amendment *ipso facto* falls to the ground, and we will not be in order in considering it. The proposal of Mr. G. Paramesvaran Pillai is that all these amendments may be taken up together. Unless these amendments are considered together, we may be running a risk, because Mr. K. Paramesvaran Pillai's amendments, for example, would be very useful if the other amendments were not carried. It is only in the view that the other amendments, if disposed of, will be more useful that I oppose the amendment of Mr. Paramesvaran Pillai.

PRESIDENT: I see the practical use of the course which you suggest. But I am afraid it will be against precedent.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Standing Order No. 40 runs as follows:—

Amendments shall ordinarily be considered in the order of the Clauses to which they respectively relate.

That is all. And what the rule requires is that with respect to each particular Clause the amendments shall be considered in order. Here is Clause 8 which is under the consideration of the House. Therefore all the amendments will have to be considered together.

PRESIDENT: That does not necessarily follow.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I shall now cut the gordian knot by withdrawing my amendment.

The amendment was, by leave, withdrawn.

PRESIDENT: That is all right. You have another amendment also.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I withdraw that too.

The following amendment was not moved:

MR. K PARAMESVARAN PILLAI (*Tiruvalla*): Delete Clauses 7 and 8 and substitute the following:

Notwithstanding anything contained in Section 5, if the petitioner is the husband, he shall offer in the petition reasonable compensation to the respondent except when such respondent has renounced Hinduism and has embraced another religion, and the court shall award such compensation as it thinks reasonable; provided that, in determining the amount of compensatior, the court shall not go into the grounds of the proposed dissolution if the respondent agrees to an order of dissolution without an enquiry into its grounds.

(1) So far as may be, the provisions of the Code of Civil Procedure, applicable to suits shall, apply to all proceedings under this Chapter.

(2) Subject to the provisions of the Code of Civil Procedure and the Limitation Regulation applicable to appeals from original decrees, an appeal shall lie to the High Court from the decision of the District Munsiff under the Preceding Section.

(3) In so far as it awards payment of compensation, an order of the District Munsiff or an order passed on appeal shall, subject to the provisions of the Limitation Regulation relating to the execution of decrees, be executable as a decree.

(4) When an appeal is preferred against the decision of the District Munsiff, court fees shall be levied in accordance with the provisions of the Court Fees Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, the amendments that I am proposing now have been necessitated by the carrying of the motion made by Mr. A. Govinda Menon on the previous day of the Council meeting. If you will excuse me, I would say that he has been playing the part of a knight errant without the necessary horse and the spear. (*Laughter.*) So much so, the main proposition has been carried and the necessary consequential amendments that would follow upon the thing have not been provided for by him. I do not go into the question of the wisdom or unwisdom of the amendment carried at the instance of Mr. Govinda Menon and I bow to the decision of this House in accepting it. But accepting it means that there is a necessity for a number of consequential provisions if the law as laid down in that amendment is to be carried out successfully. Hence these amendments.

Sir, there are certain verbal inaccuracies in the amendments I have proposed and I may be permitted to rectify them.

Delete Clause 8 and substitute the following:—

"Where the petitioner alleges adultery as the ground for dissolution and where the respondent opposes the prayer for dissolution, the petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as co-respondent in the petition, provided such person is alive and his whereabouts can be ascertained on a diligent enquiry.

If the petition is not dismissed, copy of the petition shall be served, in the manner aforesaid, also on the co-respondent, if any."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know from Mr. Narayana Pillai whether it is usual, when the wife files the application, to implead the co-respondent?

[Mr. P. K. Narayana Pillai]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): When the husband files an application, it is usual to implead the co-respondent, the guilty companion of the wife. But suppose the wife files it on the ground of the husband's adultery it is not usual to implead the co-respondent.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am coming to that.

"*Notwithstanding anything contained in the previous paragraphs, the court may, if it is not satisfied as to the good faith of the allegation contained in the petition mentioned therein or that the petitioner has not been in any way accessory to or has not connived at or condoned the offences set forth in the petition or that there has been no unnecessary or improper delay in presenting the petition, dismiss the same.*

Three months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime and,

(2) (*a*) *if the petition is not opposed with respect to any of the grounds mentioned in Section 5, or if the respondent, while denying the allegation contained in the petition, agrees to the dissolution, the court shall, without going into the grounds alleged, declare in writing the marriage dissolved;*

(*b*) *if the respondent does not agree to the proposed dissolution and denies the allegation in the petition, the court shall enquire into the allegation in the petition and after considering the evidence adduced by the parties, shall order the dissolution of the marriage, if the grounds set forth in the petition are made out, and shall dismiss the same in case they are not made out.*

(3) *At the time of passing the order referred to in sub-clause* (2)—

(*a*) *if the petitioner is the husband and his prayer has been granted, the court shall, except where the respondent lives in adultery or has changed her religion, award to the wife such compensation not exceeding Rs. 5,000, or such monthly allowance till her re-marriage as would be proper under the circumstances;*

(*b*) *if the petitioner is the wife and her petition is granted, the court shall also decree in her favour such compensation not exceeding Rs. 5,000 or such monthly allowance till her remarriage, as would be proper under the circumstances, having regard to the position, means and circumstances of the parties.*

Explanation:—Habitual cruelty may include wilful desertion for a period of two years or more and shall also include persistent neglect on the part of the husband to maintain the wife.

(4) *Subject to the provisions of the Code of Civil Procedure and the Limitation Regulation applicable to appeals from original decrees, an appeal shall lie to the High Court at the instance of any aggrieved party from any decision of the District Munsiff relating to dissolution,*

or award, or both, except when it relates exclusively to the costs; and when an appeal is preferred, court fee shall be levied on the value of the subject-matter in appeal under the Court Fees Regulation.

(5) In so far as it awards payment of compensation or costs, an order of the District Munsiff or an order passed on appeal shall, subject to the provisions of the Limitation Regulation relating to the execution of decrees, be executed as a decree.

(6) Save in so far as they may be inconsistent with anything contained in this Section, the provisions of the Code of Civil Procedure relating to the trial of a suit shall apply to all proceedings under this Section:

Provided that all proceedings under this Section either before a court or before a commissioner appointed by a court shall be held in camera and that publication of any account, excepting the final order land decree, of such proceedings, shall be punishable with simple imprisonment for a term of six months or with fine which may extend to Rs. 1,000, or both.

Provided also that the parties may give evidence against each other by means of affidavits and may be compelled to appear to give oral evidence only for cross-examination and re-examination on the affidavits.

(7) The costs decreed in favour of the petitioner may be made payable by the co-respondent to the proceedings, if any.

(8) The Government shall, in accordance with rules to be framed, appoint persons within the jurisdiction of each District Munsiff to be delegates to aid in an enquiry under this Chapter. The persons so appointed shall be Nayars, males or females, and their names shall be published in the Government Gazette. The delegates to aid in an enquiry shall be selected by the court in rotation from the delegates appointed for each court.

(9) During an enquiry for dissolution of a marriage under this Chapter, the court may, from time to time, pass such interim orders and make such provisions in the final order as it may deem just and proper with respect to the custody, maintenance, education and marriage of the minor children, the marriage of whose parents is the subject of such enquiry.

This is the amendment that I propose to place before the House as absolutely necessary on the amendment passed at the instance of Mr. Govinda Menon. Mr. Govinda Menon's amendment to Clause 5 having been accepted, it seems unwise to shut out a regular enquiry under the various conditions specified in Clause 5. One of the grounds mentioned in Clause 5 is adultery. Referring to the subject of divorce on account of adultery, I find that the English practice and Indian Statutes upon the subject require the impleading of a co-respondent before the trial can be proceeded with. I submit that, whatever may be the indecency or delicacy that may follow that provision, it is quite in keeping with natural justice that a person

[Mr. P. K. Narayana Pillai.]

whose character is allowed to be blown up should be a party to a proceeding, before a court can pronounce upon the guilt or innocence of a particular person. So, I would consider the presence of the co-respondent as absolutely necessary. Further, I would also say that it is generally found on a reference to the provisions on the subject of divorce as codified in the Indian Statutes—I mean the Indian Divorce Act and the Parsi Marriage and Divorce Act—there is a chance for a husband and wife to escape the rigours of the marriage tie so colluding as to throw dust in the eyes of a court and pass through the divorce court to obtain a decree for the dissolution of a marriage. Now, that can take the shape of proceedings started on the ground of adultery committed with a third party. With respect to that, therefore, and also to prevent the abuse of the process of a court, it is necessary that the party whose reputation is besmirched must be made invariably a party to the proceedings. So, viewing the matter also as a means to avoid collusion between the two parties who may be so much vexed with the company of each other as to seek divorce, a provision for the presence of the co-respondent will enable the facts to be brought out in their true light. And then, the provision in the Indian Divorce Act and the Parsi Divorce Act is also clear. My friend Mr. Krishna Aiyangar enquired, when the petitioner is the wife, whether it was usual to implead the woman with whom adultery had been committed. I recollect to have come across such a provision in the Parsi Marriage and Divorce Act.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): In the Indian Divorce Act?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the Indian Divorce Act, there is no such provision.

Therefore, there is nothing unusual in such a step. On the other hand, if the House objects to another woman also being dragged in as a co-respondent I am prepared to agree.

PRESIDENT: Should not the reputation of that woman also be gone into?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My opinion is that a female co-respondent is also a necessary party.

Then the further questions relate to the most inoffensive possible divorce that may be procured under the Regulation. My friend Mr. K. Paramesvaran Pillai evidently thought about the question, and I am one with him in thinking that, if it is possible, the offensive enquiry of the divorce court and the attractive reports of such affairs as in English newspapers may be avoided in Travancore. I suggest that, when the respondent denies the ground on which dissolution is sought for, but yet agrees that the dissolution may be granted, it may be granted without urther enquir y.

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Will it not be better if we take up the amendments one by one?

Mr. P. K. NARYANA PILLAI (*Ambalapuzha*): Let me explain first.

That would seem a novel procedure viewed from the general standpoint of the divorce law. But even Mr. Govinda Menon must feel himself estopped, in view of Clause 4, already passed, which says that, by mutual consent of parties evidenced by a registered instrument, a divorce may be granted. There is absolutely nothing objectionable in the party appearing before the court and agreeing to the proposed dissolution. That is, therefore, specifically provided for, to avoid an enquiry into the grounds alleged by the party. Then we come to the necessity of providing for the stormy proceedings of vehement divorce actions. When that stage is reached, the necessity for the appearance of the co-respondent is evident. Hence I say that he must be invited to be present by a regular summons and his presence ought certainly to be ensured by definite provisions. If the parties are prepared to compromise, the Civil Procedure Code may be made applicable to all proceedings under this chapter. If the parties are not prepared to compromise, then the elaborate enquiry, as contemplated under the chapter, will have to be gone into.

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): What will be the remedy of the co-respondent?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): He will be no party. The co-respondent will not appear on the scene till the pitched battle commences. Therefore I say that the matter will have to be threshed out just as if it were a regular trial.

Mr. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I know whether Mr. Narayana Pillai wants the words "in the petition" in line 3 to stand?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): If you consider the phrase unnecessary, I am prepared to omit it. We will take up the amendments *seriatim*.

Even in such advanced communities as the Parsis and the Christians, among whom divorce is permissible, people seem to take pretty good care that the proceedings need not be unnecessarily let known to the public. Hence it is that those Acts invariably provide that the enquiry or the trial may be carried on in closed chambers. Hence I have adopted that provision in the interests of a community which has, for the first time, to be put to the strange experiences of the divorce court. Thirdly, I find that even the Parsis, for whose sake the Government of India have been at pains to create special matrimonial courts—even such a community appears to have demanded

[Mr. P. K. Narayana Pillai.]

certain hedgings when the reputation of the members of their community is exposed to serious consequences. Hence the Parsi Marriage and Divorce Act directs that delegates should be appointed by the local Government, and the courts are invariably being assisted by such delegates to aid in the investigation of the questions raised in the divorce court. I have accordingly borrowed that provision also; and I have gone further in requesting the Government of Travancore to frame the necessary rules for employing the delegates and how they will have to behave in the matrimonial court—a provision not found in the Parsi Marriage and Divorce Act.

Another matter that has to be taken into consideration in this connection is the tender destinies of minor children who unfortunately may have nothing to do with the bickerings of the husband and the wife, but whose interests are probably paramount to the interests of the husband and the wife in matrimonial proceedings. When the warfare is pretty keen between the husband and the wife there is a chance of the interests of the minors being lost sight of. The provisions in the Nayar Regulation Amendment Bill are somewhat defective. Hence, during the period of the pendency of the proceedings in a court, if the court enquires into the question and, finally, when it passes its decree, the court should have power to make such arrangements for the education, maintenance, custody and welfare of the children who are innocent parties. That also is a provision in the Parsi Act, which I have borrowed practically with the additio.n of the word "marriage". The "marriage" provision does not exist there. When the husband and the wife are fighting, with the sanction of the court, the minors may be allowed to marry. Then the only other serious question is the question of compensation. Sir, my friend Mr. Paramesvaran Pillai seems to be of opinion that, even in a case of adultery, the wife should not go without anything. Somebody quoted the Hindu Law also in support of that.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) *Deputy President*): Only maintenance?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes, only maintenance. The Hindu Law says, with all sympathy, which is after all not of the stoutest veriety, that she may have a bare allowance—

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Starvation allowance.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Quite so, starvation allowance.

When there is an enquiry to see whether a wife has been living in adultery and when it is found as a matter of fact that the case

is against her—that she has been living in adultery—it would be rather strange for enlightened people to contend that she would still be entitled to something at the hands of an innocent husband. The existing Nayar Regulation in that particular respect is to the effect that a wife who lives in adultery is not entitled to any maintenance at the hands of the husband; and there is another statute, *i.e.*, Section 366 of the Criminal Procedure Code, which also disallows any maintenance to a wife who lives in adultery. I have borrowed the provision from the two statutes which say that, when a wife lives in adultery, she shall not be entitled to anything. The only other circumstance under which a wife shall forefeit her claim for maintenance is when she changes her religion. Certainly it is very difficult for the respondent under such circumstances to agree with the peculiar conduct of the wife and cohabit with her. Except in these two instances, therefore, I say, even if the husband succeeds, that is, on the question of incompatibility of temperament or on the question of insanity or incurable disease or in any other circumstances, owing to no fault of the poor woman, she should not be thrown away without anything. Unless it is possible that she gets remarried under these circumstances, she may be asked to shift for herself. But where the wife succeeds, the amendment carried by Mr. A. Govinda Menon will be a blessing in disguise in one respect. That is to say, under the existing law, no wife, when she happens to be a petitioner, is entitled to get anything from the husband. But I say, if the wife succeeds as against a husband, on any of the grounds mentioned in Mr. A. Govinda Menon's amendment, *i. e.*, adultery, incompatibility of temperament, or desertion, etc., when, of course, the husband is the party who is found guilty of such gross conduct as against a woman, I say that she shall be entitled to such amount as will be necessary for her support and as may be found proper and justifiable by a court of law. So, to that extent, Mr. A. Govinda Menon's amendments have benefited the womenfolk. These are the main features of the amendment that I beg to place before the House, and in consideration of the fact that all these provisions, except the one that I submitted with respect to the possibility of the decree being passed at the very first blush of the proceedings by the respondent agreeing to the divorce, are borrowed either from the Indian or English Statutes or decided cases, I am submitting that these proposals may be accepted by the House and the amendments to the Bill got through.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think it will be better to take the sub-clauses one by one.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): All right; by all means. I court criticism by a separate consideration of the various sub-clauses.

[Mr. V. Subba Aiyar.]

PRESIDENT: You want them to be treated as separate amendments.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*): (*Deputy President*): It is impossible to accept the whole thing as one proposition. There are several provisions to which I may agree. There are some provisions to which I may agee only with slight modifications.

PRESIDENT: You may discuss Clause by Clause.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have placed all the Clauses. If I should submit Clause by Clause I am prepared to do so. If you, Sir, request the members to consider the clauses *seriatim*, they are at liberty to do so. I am amenable to that course.

MR. JOSEPH PANJIKARAN (*Shertallai*): Is it open to any member to propose any amendment to any Clause that is being discussed and voted upon?

PRESIDENT: You may suggest if the mover of the amendment accepts it; and if the House permits it is all right.

The House adjourned for lunch at 2-5 P. M. and re-assembled at 3-2 P. M.

PRESIDENT: The discussion will now proceed Clause by Clause. The first Clause runs like this:

"Where the petitioner alleges adultery as the ground for dissolution and where the respondent opposes the prayer for dissolution, the petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as co-respondent in the petition, provided such person is alive and his whereabouts can be ascertained on a diligent enquiry.

If the petition is not dismissed, copy of the petition shall be served, in the manner aforesaid, also on the co-respondent, if any.

Notwithstanding anything contained in the previous paragraphs, the court may, if it is not satisfied as to the good faith of the allegation contained in the petition mentioned therein or that the petitioner has not been in any way accessory to or has not connived at or condoned the offences set forth in the petition or that there has been no unnecessary or improper delay in presenting the petition, dismiss the same."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I beg to move that the words "and where the respondent opposes the prayer for dissolution" be deleted.

PRESIDENT: Do you object to that?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I object to that for this reason. In the first place, in sub-clause (2) it is specially provided: "or if the respondent, while denying the allegations contained in the petition agrees to the dissolution, the court shall declare in writing the marriage dissolved." Therefore, there is no necessity to put it in here. Further, Mr. Narayana Pillai referred to the cases where the petitioner and the respondent may collude and the necessity may arise for the impleading of the co-respondent. If so—if before

the issue of a notice the respondent should agree that there should be a dissolution of marriage—the collusion that he wanted to avoid has not been avoided. Therefore, it is not necessary to put it in at that stage. Further, whether the petitioner alleges adultery as the ground for dissolution or not, it must be after the service of notice and not before, because the subsequent portion says:

"The petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as a co-respondent in the petition, provided such person is alive and his whereabouts can be ascertained on a diligent enquiry.

If the petition is not dismissed, copy of the petition shall be served in the manner aforesaid, also on the co-respondent, if any."

The subsequent provision provides for the serving of a notice upon the respondent and also upon the co-respondent. Therefore, I think that the words 'where the respondent opposes the prayer for dissolution" in lines 1 and 2, that is to say, after the words "for dissolution" need not be put in at this stage. It is enough if, after notice, the respondent appears and says that there is no objection to the dissolution of marriage, and the grounds need not be gone into. Till then, as it is, it will mean that there will be allegations in the petition against a co-respondent, and then, if the respondent admits the dissolution, the charges against the co-respondent will be still there. Therefore I do not see the necessity for putting it in at this stage.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I second the amendment proposed.

MR. S. KRISHNA AIYAR: (*Mavelikara* cum *Kartikapalli*): The central idea underlying Mr. Narayana Pillai's amendment seems to be that, when the respondent confesses the guilt, there is no necessity for impleading the co-respondent or issuing notice to the co-respondent. In other words, a further opportunity is allowed to the parties to make up their minds as to whether the petition is to be pushed through or not. It is only when the facts of adultery have to be enquired into at a later stage that the co-respondent's name need be mentioned. Though I find Mr. Narayana Pillai using the words "in the petition" also, which I find, cannot stand, because the co-respondent is to be notified only after entry of defence, the name of the co-respondent cannot possibly be put in in the petition itself. Therefore, I am submitting that the central idea of the amendment may be accepted, namely, that the co-respondent need be notified only in case the petition is opposed. The words "in the petition" may be deleted in the first Clause itself. Another Clause or qualification also will have to be introduced. There may be cases where the co-respondent's name is unknown. Mr. Narayana Pillai provides only for the co-respondent being alive and his whereabouts being not ascertainable on a diligent enquiry. The identity of the party itself may be unknown. That contingency has not been provided for by Mr. P. K. Narayana Pillai. I, therefore, propose that the words "in the petition" be deleted and the words "is known" also be added before the words "and his whereabouts." That will make the idea of Mr. Narayana Pillai more plain.

[Rao Bahadur K. A. Krishna Aiyangar.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I agree with Mr. Krishna Aiyar in thinking that the term "in the petition" is meaningless as it is, and should therefore be deleted. In regard to the objection of my friend Mr. Subba Aiyar, namely, that the Clause "where the respondent opposes the prayer for dissolution" may be omitted, I may point out that, in that case, the Clause, as it stands, goes the extent of stating that, as soon as the petition is put in, the co-respondent has also to be impleaded. It is just with a view to avoid that contingency, namely, to ensure that it is only in case the petition is objected to that the co-respondent need be brought into the court, that the Clause has been added. It will practically defeat the very object of that amendment and therefore I am of opinion that that Clause should not be disturbed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, my original idea at the time of sending in the amendment has been modified by the insertion.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Sir, some of us would also like to speak on that amendment before Mr. Narayana Pillai is allowed to speak.

PRESIDENT: Do you want Mr. Narayana Pillai to wait?

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If I am going to accept the suggestion of my friend Mr. Krishna Aiyar, I think it is not necessary to discuss it any further,

PRESIDENT: You cannot say that.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): If Mr. Narayana Pillai is going to adopt that amendment, I am not very particular.

PRESIDENT: I do not quite follow you.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): In view of the fact that Mr. Narayana Pillai is going to accept Mr. Krishna Aiyar's amendment, I have got nothing to say.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am prepared to accept the suggestion of my friend Mr. Krishna Aiyar, that the expression "in the petition" may be dropped and the additional words added, namely, "is known" between the words "is alive" and "and his whereabouts."

PRESIDENT: You will have to put in a comma after the word "alive."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I come back, Sir, to the point I raised a little while ago that the Section, as it stands, should not be made applicable in cases

where the petitioner is the wife. After all, the blasting of the reputation of a man may not be quite so serious as the blasting of the reputation of an innocent woman who is impleaded as co-respondent. The position put forward by my friend was that it was intended to give an opportunity to an accused party to vindicate his character in a court of law. Well, any *exparte* judgment obtained behind the back of an individual is not going to damn him seriously in life. A co-respondent is, if a woman, not generally impleaded. The man who is the companion of the guilty woman is oftentimes impleaded as a co-respondent just for the purpose of enabling the petitioner to realise his costs and for the purpose of recovering any damages that the court may award. It is not to give an opportunity to the co-respondent to vindicate his character that he is included. The Indian Divorce Act insists on the co-respondent being brought in *only* if the petitioner is the husband. I would therefore make an addition : "provided that, in cases where the petitioner is the wife, the co-respondent need not be impleaded."

PRESIDENT: Will you add it at the end of the Clause ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : Yes Sir. That is at the end of Clause 1 (*a*), first paragraph.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I beg to second the proposal.

PRESIDENT: Do you bring it forward as an amendment to the amendment brought forward by Mr. Narayana Pillai ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : Yes, and I am entitled to submit it for the consideration of the House.

PRESIDENT : You are moving it as a definite amendment, and it is seconded. I think in a case like this it will have to be permitted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to the amendment of my friend Mr. Krishna Aiyangar, in justification of what I have myself done, I would draw his attention to Section 37 of Parsi Marriage and Divorce Act. The Section is as follows :—

> "Any husband may sue that his marriage may be dissolved and divorce granted, on the ground that his wife has since the celebration thereof been guilty of adultery ;
>
> and any wife may sue that her marriage may be dissolved and a divorce granted on the ground that since the celebration thereof her husband has been guilty of adultery with a married or fornication with an unmarried woman not being a prostitute, or of bigamy coupled with adultery, or of adultery coupled with cruelty, or of adultery coupled with wilful desertion for two years or upwards, or of rape, or of an unnatural offence.
>
> In every such suit for divorce on the ground of adultery, the plaintiff shall, unless the court shall otherwise order, make the person with whom the adultery is alleged to have been committed a co-defendant, and in any such suit by the husband the Court may order the adulterer to pay the whole or any part of the costs of the proceedings."

Such being the provision of the Parsi Marriage and Divorce Act, I thought any partial distinction in favour of the fair sex may not be acceptable to the House. But, as I observed on a previous occasion

[Mr. V. Subba Aiyar.]

while introducing the amendment, if the House is for excluding a woman co-respondent from the proceedings, I have mysef absolutely no objection to accept that position. So, if no other member is for retaining the Section, as it is, I am prepared to accept it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Of course my friend will be bound if the House is prepared to accept. His special inclination in the direction of the amendment must be disclosed to this House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am prepared to accept the amendment.

The amendment was accepted.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know what exactly the amendment is?

PRESIDENT: "Provided however that in cases where the petitioner is the wife the co-respondent need not be impleaded." These words are to be added at the end of Clause (1) first paragraph.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): What about my amendment? Mr. Krishna Aiyar's amendment has been accepted.

PRESIDENT: I thought it was only a suggestion and that it was not seconded.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I seconded it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With your permission, may I say a word in explanation of the amendment in answer —

PRESIDENT: I thought you were only making a suggestion. If it is a regular amendment, Mr. Narayana Pillai will have to accept it, and then it will have to be put to the vote of the Council.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I oppose Mr. Subba Aiyar's amendment.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has it been seconded?

PRESIDENT: Yes, by Mr. Paramesvara Aiyar.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): One word I want to say in explanation. No doubt, my amendment was based on the ground that the petitioner is bound to state in the petition who the co-respondent was and the allegations against the co-respondent; and the question concerned was only with reference to the notice to the co-respondent. I said that, if the petitioner and the respondent agree and settle the matter between themselves, it would not be doing justice to the co-respondent. To avoid that, Mr. Krishna Aiyar suggested that the words "in the petition" may be omitted and therefore

no notice need go, and the notice need go only in disputed cases where the respondent is not willing to agree to the dissolution of marriage. My difficulty there again is, as soon as the petition is filed without naming the respondent, without naming the allegations in connection with the co-respondent, how long should a court wait? Is it as soon as the petition is filed? How long should the court wait to issue notice? In the Section as it stands, if the words as they are put in by Mr. Narayana Pillai are there, "where the respondent opposes the prayer for dissolution," no time is fixed as to how long the court should wait to issue notice and for the petition to be returned to the petitioner to put his necessary allegation against the co-respondent and to implead him. All that will have to be provided for in such a contingency. That is my difficulty.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is it not enough to wait till the written statement is put in?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is why I say that "where the respondent opposes the prayer for dissolution" need not be there. That is the ground for my amendment. Otherwise it will lead to difficulty. As to when the notice should be issued no time limit is fixed.

PRESIDENT: I put the amendment of Mr. Subba Aiyar to the vote. His amendment is: Delete from Clause 1 (*a*) the words "and where the respondent opposes the prayer for dissolution." There again we want the restoration of the word "it."

The amendment was put to the vote and declared lost, 9 voting *for* and 12 *against*.

PRESIDENT: I take it that the main amendment of Mr. P. K. Narayana Pillai, *i. e.*, sub-clause (1) of Clause 8 is accepted by the House.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): May I know how the Section would read with all the amendments?

PRESIDENT: Clause (1) (*a*) will read like this:—

"Where the petitioner alleges adultery as the ground for dissolution and where the respondent opposes the prayer for dissolution the petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as co-respondent, provided such person is alive, is known and his whereabouts could be ascertained on a diligent enquiry."

There are no amendments to sub-Clauses (*b*) and (*c*).

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is another proviso.

PRESIDENT: Yes.

"Provided, however, that in cases where the petitioner is the wife, the co-respondent need not be impleaded."

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I think the word 'and' must be inserted before the second proviso.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): 'Provided also' will do, I think.

[President.]

PRESIDENT: Yes. There are no changes in sub-clauses (*b*) and (*c*). We now proceed to Clause 8, sub-clause (2).

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): 'Is alive and known' would read better.

PRESIDENT: Yes, 'and known' would be better.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A person must first be *known* before the question of his *living* arises. Therefore 'is known and alive' would be better.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no objection in putting it like that.

The main amendment which, as further amended, ran as follows was carried:—

8 (1) (*a*) Where the petitioner alleges adultery as the ground for dissolution and where the respondent opposes the prayer for dissolution, the petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as co-respondent, provided such person is known and alive and his whereabouts can be ascertained on a diligent enquiry; provided also that, in cases where the petitioner is the wife, the co-respondent need not be impleaded.

(*b*) If the petition is not dismissed, copy of the petition shall be served in the manner aforesaid, also on the co-respondent, if any.

(*c*) Notwithstanding anything contained in the previous paragraphs, the Court may, if it is not satisfied as to the good faith of the allegation contained in the petition mentioned therein or that the petitioner has not been in any way accessory to or has not connived at or condoned the offence set forth in the petition or that there has been no unnecessary or improper delay in presenting the petition, dismiss the same.

PRESIDENT: We may now proceed to sub-clause (2). I will read sub-clause (2) for the information of the House.

"Three months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, and

(*a*) if the petition is not opposed with respect to any of the grounds mentioned in Section 5, or if the respondent, while denying the allegations contained in the petition, agrees to the dissolution, the court shall, without going into the grounds alleged, declare in writing the marriage dissolved.

(*b*) if the respondent does not agree to the proposed dissolution and denies the allegation in the petition, the court shall enquire into the allegation in the petition, and after considering the evidence adduced by the parties, shall order the dissolution of the marriage if the grounds set forth in the petition are made out, and shall dismiss the same in case they are not made out."

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): With reference to paragraph 2 of amended Section 7 "*a voice: louder, please*" the second and third paragraphs have not been put to the vote of the House.

PRESIDENT: The whole of Clause (1) has been put to the vote and accepted by the House.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I thought that the first paragraph alone was put to the vote of the House.

PRESIDENT: No; the whole clause was put to the vote of the House and the House has accepted it. We had, as I said, no amendment with regard to the second and third paragraphs. The discussion

related to the whole Clause, and I thought the House had already accepted the whole Clause.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That was only with reference to the first paragraph.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That was how it was understood.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): The first paragraph alone was put to the vote of the House.

PRESIDENT: Clause (1) covering (*a*), (*b*) and (*c*) was put to the vote of the House and all the three paragraphs were accepted by the House; but the discussion was confined to (1) (*a*) as no a mendments were proposed in respect of (*b*) and (*c*).

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Mr. P. K. Narayana Pillai's amendment consists of three paragraphs, I understood that the first paragraph alone was put to the vote of the House.

PRESIDENT: Now, we go to sub-clause (2) and we deal with both paragraphs (*a*) and (*b*) of sub-clause (2).

MR. A. HOOGEWERF (*Nominated*): I beg to propose an amendment to (2) (*a*), *viz.*, that the words 'or change of religion' be deleted.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We have not come to that.

PRESIDENT: It has been renumbered as sub-clause (3). We have not come to that.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): We thought that only the first paragraph of sub-clause (1) was put to the vote of the House. We never knew that the whole Clause was voted upon. We have some objections to the second and third paragraphs.

PRESIDENT: A Section need not be read until we exhaust the discussion of all the Clauses. I read the whole of it because I put the whole Clause to the vote of the House.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): When I wanted the Clause as amended to be read, only the first paragraph was read by the President. The other paragraphs were not read.

PRESIDENT: No change was suggested in the second and the third paragraphs, and I asked the House whether the House accepted the whole Clause.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): It was not understood like that.

PRESIDENT: Have you any suggestion to make?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Yes, In the third paragraph it is said that 'the petitioner has not been in any way accessory to or has not connived at or not condoned the offences set forth—' That again is to be gone into by the court. I do not think that is desirable.

[Mr. G. Paramesvaran Pillai.]

PRESIDENT: The idea is that the court goes into the whole question.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*)(*Deputy President*): There is one difficulty, Sir, that I wish to bring to the notice of the House, with reference to sub-clause (2) (*a*). It runs as follows:--

(*a*) "If the petition is not opposed with respect to any of the grounds mentioned in section 5, or if the respondent, while denying the allegations contained in the petition agrees to the dissolution, the court shall declare in writing the marriage dissolved."

What about the co-respondent? The Section empowers the court to declare the marriage dissolved under two circumstances. One is when the petition is not opposed at all either by the respondent or by the co-respondent at the time of the hearing. The second contingency is 'or if the respondent, while denying the allegations contained in the petition agrees to the dissolution, the court shall declare in writing the marriage dissolved.' What is the position of the co-respondent is the question that I want my friend to consider. I merely ask him for the sake of information, before I formally move an amendment.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I bring to the notice of Mr. Krishna Aiyangar that there is no co-respondent at this stage. The co-respondent comes in only when the petition is opposed. The case contemplated is a case when he denies that and agrees to the dissolution. It is only when the dissolution is opposed that the co-respondent will come in.

PRESIDENT: There is no question of dissolution but only the petition for dissolution.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Not dissolution, but the prayer for dissolution.

PRESIDENT: Mr. Narayana Pillai, do you want to reply?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is no opposition and so I need not reply.

PRESIDENT: I do not know whether there is to be any opposition. Is there any member who wishes to speak?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There are only two sub-clauses now before the House—Clause 8 (2), (*a*) and (*b*)

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Up to the end of the definition of 'habitual cruelty.'

PRESIDENT: No, no. Shall I read it once more?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Till the words 'in case they are not made out.'

PRESIDENT: Yes.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In Clause (2) (*b*), the word 'allegation' has to be changed into 'allegations', because the next sentence deals with 'grounds.'

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : I accept the amendment.

PRESIDENT : Then I take it that, with the only change of the word 'allegation' in paragraph (*b*) into 'allegations,' the whole of Clause 8 (2), paragraphs (*a*) and (*b*), is accepted by the House.

MR. K. GEORGE (*Financial Secretary to Government*): The word 'allegation' occurs in two places.

MR. T. LAKSHMANA PILLAI (*Nominated*): For one allegation there may be several grounds.

PRESIDENT : The plural includes the singular also.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) : It will be 'allegations' in both the places.

Sub-clause (2), which, as amended, runs as follows, was carried :—

2. "Three months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, and

(*a*) if the petition is not opposed with respect to any of the grounds mentioned in Section 5, or if the respondent, while denying the allegations contained in the petition, agrees to the dissolution, the court shall, without going into the grounds alleged, declare in writing the marriage dissolved ;

(*b*) if the respondent does not agree to the proposed dissolution and denies the allegations in the petition, the court shall enquire into the allegations in the petition and, after considering the evidence adduced by the parties, shall order the dissolution of the marriage if the grounds set forth in the petition are made out, and shall dismiss the same in case they are not made out."

PRESIDENT : We now proceed to sub-clause (3) which reads as follows :—

"(3) At the time of passing the order referred to in sub-clause (2),

(*a*) if the petitioner is the husband and his prayer has been granted, the court shall, except where the respondent lives in adultery or has changed her religion, award to the wife such compensation not exceeding Rs. 5,000 or such monthly allowance till her remarriage as would be proper under the circumstances :

(*b*) if the petitioner is the wife and her petition is granted, the court shall also decree in her favour such compensation not exceeding Rs. 5,000 or such monthly allowance till her remarriage as would be proper under the circumstances, having regard to the position, means and circumstances of the parties.

EXPLANATION. Habitual cruelty shall include wilful desertion for a period of two years or more and shall also include the persistent neglect on the part of the husband to maintain the wife."

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*) : That explanation was omitted by Mr. Narayana Pillai.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*); No, no. The first part relating to adultery alone was omitted.

[President.]

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, in the explanatory clause relating to habitual cruelty, the expression 'persistent neglect' has not been defined, *i. e.*, it is not hedged in by a time-limit as in the case of desertion. To leave it in this indefinite condition is to open the door for frivolous or malicious complaints and to make the law otherwise oppressive. Hence I beg to propose that a definite period of time, say, six months or one year, should be fixed, neglect within which period may be regarded as 'persistent'.

PRESIDENT: 'Neglect exceeding that period' and not 'within that period.'

MR. T. LAKSHMANA PILLAI (*Nominated*): Yes, Sir. Otherwise neglect even for two consecutive months may bring an unwary husband within the clutches of the law. I would, therefore, add the words 'for a period of six consecutive months' after the word 'neglect'.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Sir, I move—

PRESIDENT: This amendment must first be discussed and voted upon.

MR. A. HOOGEWERF (*Nominated*): Before we go to the explanation in sub-clause (3) I want to move an amendment.

PRESIDENT: That can come afterwards.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I oppose the amendment proposed by my friend Mr. Lakshmana Pillai. The case that is contemplated is persistent neglect. That may be exhibited by a husband within the course of 15 days or 6 months or any time and must be a question of fact for the court to determine. It is very difficult to fix the time-limit during which this persistent conduct must be proved. So I would leave it entirely to the discretion of the court with respect to the nature of the persistent neglect that is contemplated under the Section.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I should like to make an amendment.

PRESIDENT: A little louder, please.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I should like to make an amendment.

PRESIDENT: This must be disposed of first.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): May I ask Mr. P. K. Narayana Pillai a question and get his explanation before speaking on that question?

PRESIDENT: He was in possession of the House. You did not ask any question then.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : We should have an opportunity of questioning him with respect to certain clauses in the Section. Mr. Narayana Pillai formally moves Clause by Clause. We should have an opportunity of questioning him and eliciting information with respect to the whole Clause in general.

PRESIDENT: If you mention any doubt, he will reply. Mr. Narayana Pillai has already spoken in regard to this amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): With respect to sub-clause (*a*)—

PRESIDENT: There is a definite amendment before the House proposed by Mr. Lakshmana Pillai and seconded by you. (*Laughter*.)

I should ask Mr. Lakshmana Pillai to read his amendment before I put it to the vote of the House.

MR. T. LAKSHMANA PILLAI (*Nominated*): Add the words 'for a period of six consecutive months' at the end of the clause, in order to make the word 'persistent' more definite.

PRESIDENT: 'For a period of six consecutive months' to be added after the word 'neglect' in the explanation—that is your amendment, Mr. Lakshmana Pillai?

MR. T. LAKSHMANA PILLAI (*Nominated*): Yes.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I would like to know from Mr. Lakshmana Pillai as to what he understands by the word 'neglect' in his amendment.

MR. T. LAKSHMANA PILLAI (*Nominated*): I would not mind if the word 'neglect' is changed into 'omission.'

PRESIDENT: I will now put Mr. Lakshmana Pillai's amendment to the vote of the House.

The amendment was put to the vote of the House and lost.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I move that firstly, in clause (*a*), instead of the word 'shall' the word 'may' be put in, and secondly that the words 'not exceeding Rs. 5,000' be deleted.

PRESIDENT: Please propose each amendment separately.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): The Clause, as it is, runs as follows: 'If the petitioner is the husband and his prayer has been granted, the court shall, except where the respondent lives in...' I propose that in place of the word 'shall' the word 'may' be put in. My reasons are that the petitioner, to secure a divorce, has to put forward in the petition valid and tenable grounds, and when these grounds are proved, the petitioner should not be put to the necessity, in certain cases at least, of having to pay compensation. For example, in the amendment that has been passed yesterday, there are the words 'habitual cruelty.' Supposing the husband puts in a petition for the divorce of his wife on the ground of habitual cruelty on the part of the

[Rao Bahadur K. A. Krishna Aiyangar].

wife towards the husband. As soon as the husband has proved and convinced the court of the habitual cruelty of his wife he must be absolved from the necessity of paying any compensation to the wife. When the word 'shall' is used, the court has no discretion in the matter of the award of compensation. Their hands are tied and they have to award some compensation or other to the respondent in all cases. Therefore, I propose that the word "may" be substituted for the word "shall." That is the first amendment that I put forward with reference to sub-clause (*a*).

MR. T. LAKSHMANA PILLAI (*Nominated*): I second it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I oppose the amendment. It shall not be discretionary upon the court to award compensation, because even in the existing Nayar Regulation—

PRESIDENT: I think you mean to say 'discretionary upon the court to *refuse* compensation' and not '*award* compensation' as you said.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): To allow or to refuse, must not be discretionary. It must be obligatory. The court must be bound to award compensation in all cases. I wish to emphasise it, because, the court has no discretion in the matter even according to the existing law. Moreover, the reason alleged by Mr. Krishna Aiyar is not very sound. Because the type of wives that would be so cruel to the husband as to necessitate such an amendment does not exist in this part of the country. (*Laughter.*)

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): It is contemplated by the amendment that has been accepted by the House.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I think that does not make my argument lose its force. I still repeat that termagants do not exist in this country. (*Laughter.*) Even if a woman shows some little temper—

PRESIDENT: It is *cruelty* that is referred to and not *temper*.

MR T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I say temper, and it will not amount to cruelty. I submit, Sir, that it will take a very long time before women get so cruel that the husbands should go to the court. (*Laughter.*) We have very properly and discreetly recognised the principle that some kind of respect, even amounting to chivalry, may be shown to the fair sex. So let us condone some of these venial faults of women. I therefore oppose the amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I support Mr. Krishna Aiyar's amendment. When we agreed to maintenance allowance being given to the wife till her re-marriage, we thought that the chivalry would not be extended any further. For the purpose of argument we have to assume that the position has become absolutely intolerable in the opinion of the court,

justifying the dissolution order being passed. Under these circumstances it will hold out a positive premium for misconduct when the courts are not given any discretionary power in the matter of awarding compensation. The facts and the circumstances need not be necessarily the same in all cases. The judge would determine whether it is a fit case for any compensation being awarded or not. In any event, so far as the payment of maintenance allowance is concerned, not merely the sense of chivalry but the absolute sense of justice demands that a lady ought to be maintained whatever be her shortcomings until she marries again, but the region of chivalry should not be extended beyond bare maintenance.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am sorry I have to oppose the motion of Mr. Krishna Aiyar. I am not, as my friend Mr. T. K. Velu Pillai said, for leaving to the discretion of the court the matter of awarding any compensation or maintenance to an injured wife. As regards the larger question, whether it is possible that he might experience cruelty at the hands of the wife even if such a contingency might arise in the future, we are not justified in enacting anything at present for such a contingency. Undoubtedly, with the development of the law, elsewhere such contingencies have arisen. For, I recollect having read the other day an American report in which the question arose whether the husband had got the right of private defence against the wife when she proceeded to bite him (*laughter*) and a solemn court pronounced judgment in favour of the bearded sex that they had such rights. (*Laughter.*) Such difficult questions have not arisen in our country. It is not therefore necessary to take such cases into consideration.

PRESIDENT: You might starve them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Such cases have not arisen here. Even if such cases come up, it is not necessary that we should take them into consideration; for, the quantum of compensation that has been fixed is from a penny to Rs. 5,000, and the courts can exercise a large amount of discretion in the matter.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Narayana Pillai whether penny is legal tender in Travancore?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I think it would be, since all of us have sworn allegiance to the King Emperor in the Legislative Council. (*Laughter.*)

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): My position is this. The petitioner is to state in his petition valid grounds and substantiate those grounds to enable him to get a dissolution of marriage. Even though the court finds that the grounds are valid and substantial in every form, the court *is compelled and bound hand and foot* to give some sort of compensation to the wife that will be making

[Mr. A. Hoogewerf.]

the court stultify itself. In other words, when the petitioner has proved his case he has still to make a payment. That is very hard. Therefore if the court be allowed the liberty to grant compensation or withhold the same, that must satisfy all.

It is not a question of one penny, one anna or one copper cash. But it is a question of principle that when the petitioner has proved his case it must not be left to the court still to mulct him of compensation.

PRESIDENT: I shall put Mr. Krishna Aiyar's amendment to the vote. The amendment is that the word "may" be substituted for the word "shall" in sub-clause 3 (*a*).

The amendment was put to the vote and lost.

MR. A. HOOGEWERF (*Nominated*): Sir, I move that the words " or change of religion " in sub-clause (3) (*a*) be deleted.

I am sure the House will join me in congratulating Mr. A. Govinda Menon in having been created a Knight by Mr. P. K. Narayana Pillai. (*Laughter.*) Posterity will thank Mr. Govinda Menon and the members of this Council for putting a spoke in the wheel of this legislation in the matter of divorce. I thank also Mr. P. K. Narayana Pillai for the liberal clauses in his amended Sections, especially, for placing conversion to another religion at least on a par with adultery. Renouncing Hinduism and embracing another religion does not necessarily mean lowering of status or excommunication. According to present-day notions prevalent among the majority of Nayars, conversion may mean lowering of status. But a Christian or a Mahomedan never feels that he is of a lower status than anybody else. I concede that that feeling is not reciprocated by his Hindu relations; but it must be *open* to those Hindu relations also to change their angle of vision with the advancement of the times and to treat him as one of themselves, notwithstanding a change of faith. If not, you will be raising a barricade against the progressing tendencies of the educated Nayar. I do not plead for forcing the pace or for making the Hindu Nayar yield to his convert brother his status before conversion. All I ask for is not to place a legal impediment in the way of the Hindu brother treating his brother convert on equal terms, when by the advancement of civilisation he may naturally become inclined to do so. The legislature should not ignore the tendency of civilisation and perpetuate by hard and fast rules the existing sentiments which are fast changing. The time was not far removed when England-returned gentlemen were treated, more or less, as outcastes. To-day, everybody knows that it has changed a great deal. The attitude towards the convert to another religion is also undergoing a similar change, although slow. Let us not intercept it by law.

When it comes to a question of compensation, if the cause of the divorce is adultery or change of religion, the wife does not get compensation. If she renounces Hinduism and does not embrace another religion and simply remains irreligious, she gets compensation. But if she embraces another religion, say even Arya Samaj, which accepts the

authority of the Vedas, but would not accept untouchability, she forfeits her right. This is very hard, and it is in recognition of that hardship that led the liberal framer of the original Bill to *deliberately* omit the provision under consideration. I would therefore request that this provision be removed from this Clause.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, I second the amendment moved by Mr. Hoogewerf not only for the reasons he has stated but also for the reason that, if the provision is retained it will work hardship in other ways also. It may be that the wife had changed her religion and yet the husband and wife continued to live together as man and wife for another ten years and children were born. Subsequently, a petition may be put in. Even then, according to the Section as it is, she should go without any compensation. This will be very hard. For this reason also I support the amendment.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, I also wish to speak a few words in support of the amendment. My main ground is that freedom of conscience is a very sacred thing to every man and woman and that that sacred freedom should not be denied in the case of Nayars. Further, to my mind, to have some religion is better than to have no religion. As the Bill stands, if a husband or a wife turns an atheist or nihilist, he or she gets all the benefits, whereas, if out of his or her own conviction he or she embraces a religion which he or she thinks is a right one, he or she is placed in a worse position than if he or she remains an atheist. Does it not look awkward? I think these two aspects of the question would appeal to the good sense of the Council.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I oppose the amendment. In doing so, I must say that I fully sympathise with the object of the amendment put forward by my Christian friends. Undoubtedly, it is necessary that freedom of conscience should be allowed to individuals as much as possible. But unfortunately, we have to take into account the circumstances of the country as well as the customs and manners followed by the community concerned. In the community, as at present understood, conversion naturally works a forfeiture of caste, and therefore a person who has become a convert cannot insist upon his or her being allowed to live with the others in the family or to mix with them. It is on that ground that if one of the parties, *i. e.*, the wife, has become a convert to another religion, the other party, *i. e.*, the husband, should not be compelled to live with her, and if she wants to have a divorce on that ground the husband should not be compelled to pay for it. By her act she has made herself unfit to be associated in her house according to the notions and sentiments of the community concerned. Otherwise it will be more or less penalising the husband for thewife having become a convert as she wanted to exercise freedom of conscience. She is quite at liberty to exercise her freedom of conscience so long as she does not interfere with the freedom of her partner.

MR. A. HOOGEWERF (*Nominated*): I wish to ask Mr. Paramesvaran Pillai what he has to say in regard to a case of conversion to the Arya Samaj.

[Mr. T. K. Velu Pillai.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It is another form of Hindu religion. I know that a Nayar does not cease to be a Hindu when he embraces the Arya Samaj.

PRESIDENT: It is only a question of fact and interpretation you put upon the words.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): We mean absolutely no disrespect to the other religions or want of toleration to other religions when we say that the husband should not be penalised for the conversion of the wife. It is on that ground alone that we have provided that if the wife becomes a convert to Christianity or Mahomedanism the husband should not be compelled to maintain her or give her compensation if she desires to separate.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I ask Mr. Paramesvaran Pillai what he has to say with regard to cases where the husband and the wife after the latter has become a convert have lived as man and wife?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Upon the ground of change of religion alone, the divorce could be granted without compensation.

MR. A. HOOGEWERF (*Nominated*): What will happen if she renounces all religions and does not embrace any religion?

MR K. PARAMESVARAN PILLAI (*Tiruvalla*): She must become a convert to another religion.

MR. A. HOOGEWERF (*Nominated*): Suppose she does not believe in any religion and thus remains neutral. (*Laughter.*)

PRESIDENT: The Clause does not contemplate such cases. It contemplates only cases where there has been a change of religion.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, I am exceedingly happy to accord my enthusiastic support to the view taken by my friend Mr. K. Paramesvaran Pillai. I am exceedingly glad to see that although Mr. Paramesvaran Pillai is generally in favour of allowing full liberty of conscience, he has observed that the feelings and sentiments of the community concerned are very important and it is on those sound lines that Mr. Paramesvaran Pillai has objected to the amendment. I can quite understand the feelings of some gentlemen when they see the words adultery and change of religion occurring in the same sentence. But, I consider it, Sir, nothing more than an accident. If we say adultery or conversion to another religion A, B or C, the adherents of those religions may have some justification in making the complaint. But a change of religion whether it is in the case of Hindu, Christian or Mahomedan is considered as a great sin by his co-religionists. Of all offences apostacy was and is the most heinous one. There has been adultery in the world for centuries; but we find here—

MR. A. HOOGEWERF (*Nominated*) : Does Mr. Velu Pillai try to maintain that if a man is born a Christian he is bound to die a Christian, and if a man is born a Hindu, he is bound to die a Hindu, and if not, he will go to hell?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I am not an authority on all religions and I would not even wish to be an authority on hell. (*Laughter.*) But I may say for Mr. Hoogewerf's edification that if a person is trained in a certain religion and if he learns that religion carefully and conforms to what is being done by his co-religionists, he will never go to hell.

MR. JOSEPH PANJIKARAN (*Shertallai*) : May I know whether he prefers an act of adultery to change of religion?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): For that matter I would not like either adultery or change of religion. I detest both.

MR. JOSEPH PANJIKARAN (*Shertallai*): 'Living in adultery' is the reason that is given for awarding compensation. But as a reason for dissolution, adultery is sufficient. So I wish to know whether he prefers adultery to change of religion.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : It is for the courts to decide it. I do not observe the functions of the courts just now. I am here standing before the Council and offering opinion in certain weighty matters. I am prepared to sympathise with the views that have been already explained. But I am only stating for the information of my friends who belong to other religions and other communities that there is absolutely no insult contemplated in the Section. It is the husband that has got the greatest incentive to take steps to prevent adultery. In the same way it is the adherents of religion that are most concerned in preventing apostacy. If it has been said that conversion to a particular religion would entail this result I would certainly sympathise. I find so many questions coming from different parts of the House. I want to add that although adultery was not unknown in prehistoric times it was not punished so much as apostacy. We have heard of people burnt to death for changing their religions, not only in one continent but in all continents. History teaches us that apostacy is not less heinous than adultery. I am making these observations to show that there is no disrespect or insult contemplated which may affect another religion. The Select Committee has put in this word from the standpoint of the Hindu and the Nair. I may also add that when the Ezhava Bill was discussed the identical question was raised and our Ezhava brothers also took their stand on the same principles.

MR. A. HOOGEWERF (*Nominated*): Have the Ezhava brethren not gone one step farther in the matter of inheritance?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : It is quite irrelevant. We are not discussing the law of inheritance.

[Mr. P. K. Narayana Pillai.]

PRESIDENT: Mr. Hoogewerf wants to know why, if the Ezhava community is *not* prepared, the Nayar community should also be *not* prepared.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I may say, Sir, if in any particular thing any community is prepared to take a reasonable stand I am prepared to agree. If the Ezhava has got something to teach us, I am prepared to follow it. The Hindu religion is common to the Nayar, the Brahmin and the Ezhava. I do not want to take up the time of the Council. I may say, as a member of the Select Committee, as one who had the advantage of discussing the matter with the seventeen members of the Select Committee, there is absolutely no injustice or disrespect intended to any community and no meaning should be read into the position of words.

MR. P. T. THOMAS (*Kottayam*): I have only to raise a technical objection, *viz.*, that this question was considered by this House on a previous day under Section 5. It was decided then that it might be deleted.

PRESIDENT: It was not in regard to compensation, but dissolution of marriages.

MR. P. T. THOMAS (*Kottayam*): In regard to *compensation*. It is stated in the clause that "when the petitioner is the husband, he shall, in all c , offer in the petition reasonable compensation to the respondent t where such respondent has renounced Hinduism and has embr ther religion."

PRESI hat was not discussed.

MR. P. T. (*Kottayam*): Whether it was discussed or not, what I submit is question was raised in this Council and it was decided that that c se be deleted. That is all my objection. When that has been decided by the Council I think this cannot be discussed now.

PRESIDENT: I have considered it and my ruling is that the question can be discussed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish also to oppose the amendment proposed. Sir, in matters of social legislation it is not the highest philosophy that is to weigh, but the sentiments of the community affected will have to be taken into consideration. If in the Ezhava Bill, when it was discussed, it was found impossible to give effect to the amendments proposed by some of our brethren, I say the position is still stronger with respect to the Nayar Regulation Amendment Bill that is now before the Council. For, the interests of the community are interlocked to a considerable extent with the interests of other communities, and as such, the community itself probably may not be justified in the matter of changing a particular practice without taking into consideration the wishes and inclinations of other people. That is one objection.

Then, after all, it is a question to be viewed from the standpoint of the entire community. This appears to have been the principle adopted by the British Indian Legislature. We have got, for example, in the British Indian Act, known as The Native Converts Marriage Dissolution Act, that if a native becomes a Christian he may petition in a court and ultimately get a dissolution from his native wife who happens to be a Hindu. If conversion does not get encouragement from the standpoint of Christian law, I fail to see why the less advanced communities of other parts of India should be found fault with if they adhere strictly to their own religion. I am submitting, therefore, that it is not from the pinnacle of religious philosophy that we are to view this question. If our friends are in a position to adduce any proof that the community as a whole, taking also into consideration other communities interested in the Nayar community, is to have the benefit of absolute freedom of religion, freedom of conscience, and all those kindred glorious principles, I will hear them. But the whole community is not prepared for this and hence I oppose the amendment.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I ask whether absolute freedom of conscience was not put in the Draft Bill, and whether any member spoke against that when the general principles of the Bill were discussed?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know, Sir, whether this is a request for information?

MR. JOSEPH PANJIKARAN (*Shertallai*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) I cannot answer unless he puts the copies of the proceedings in my hands. I cannot answer off-hand.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I wish only to point out that when Section 5 of the Regulation has been accepted, the principle that change of religion works out a dissolution of marriage has also been accepted. We are now only at the smaller question whether a money compensation need be paid or not. The one is a larger question involving higher principles and the other a smaller one where money alone is the question. Yet we have strained our neck like a camel.

MR. A. HOOGEWERF (*Nominated*): Sir, I anticipated all these objections and much more when I made my first speech. (*Laughter.*) But I did not quite anticipate an objection from my friend Mr. K. Paramesvaran Pillai. I might exclaim "*et tu Brute*!" A man who has been to England and travelled far and wide and has high ideas of religion—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to a point of order. I wish to know whether the character and conduct of any particular member of the House can be dwelt upon by another member.

PRESIDENT: I do not think he is saying anything disparaging.

[Mr. K. Paramesvaran Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): His going to England is not relevant to the discussion.

PRESIDENT: In Mr. Hoogewerf's opinion going to England enlarges a man's views.

MR. A. HOOGEWERF (*Nominated*): The whole discussion turns upon caste.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No, upon religion.

MR. A. HOOGEWERF (*Nominated*): It is because the convert is looked upon as an outcaste in the family, as far as I understand, that my friends stand against conversion. To my question, whether the Arya Samajist is on a par with a convert to another religion, I did not get a satisfactory answer.

PRESIDENT: That question does not arise.

MR. A. HOOGEWERF (*Nominated*): My argument is that the Arya Samajist is just as much an outcaste as the Christian or the Mahomedan or the Ezhava. Now, Mr. Velu Pillai who has had a comparative study of all religions has pronounced his dictum that everybody who observes his religion, no matter what that religion is, will gain salvation, even if he has no religion. I am not quite sure, however, whether he said this.

PRESIDENT: He did not say so.

MR. A. HOOGEWERF (*Nominated*): I beg his pardon. I withdraw that portion. All that I say is, as I said before, that caste is the stone of offence and the rock of scandal in the family. The argument put forward on the other side does not satisfy me.

The motion was put to the vote and lost.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I wish to propose an amendment to sub-clause (3) (*b*). I wish to add after the word "granted", the words "on the ground of adultery, habitual cruelty or change of religion of the husband." The reason for this amendment is this. According to the amendment of Mr. Govinda Menon which was accepted by this Council, a dissolution can be had on the grounds "insanity, incurable disease, incompatibility of temperament, or change of religion", etc. Now these may be roughly brought under two classifications; one is a cause for which the husband is not responsible, and the other is that in which husband misconducts himself or becomes a convert to some other religion deliberately. It appears to me that it is quite proper that, where the husband has changed his religion or has been habitually cruel to his wife or committed adultery, the wife should be entitled to claim compensation also along with divorce. But, on the other hand, if the husband is insane or has become subject to an incurable disease and if the wife wants to desert him it is very hard,

especially when he needs her attention most, that he be compelled to give compensation also. He has also to give compensation in those cases up to Rs. 5,000 or give her maintenance. There are other defects also. For instance, one of the grounds of divorce is incurable disease. An incurable disease may be anything. According to some it is diabetes. Rheumatism is considered an incurable disease. A man may be struck by paralysis and may be laid up. Under these circumstances, if the wife wants the luxury of a divorce and at the same time wants to insist upon a compensation or maintenance, I think it is unreasonable and cruel. I would therefore submit that in these special cases, no compensation need be paid. On these grounds I make the amendment for the consideration of the House,

RAO BAHADUR K. A KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know from Mr. Paramesvaran Pillai, before he resumes his seat, whether he simply brings in the word "adultery" or copies the language "lives in adultery."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Not "lives in adultery." The previous clause has been with respect to compensation; that has not been accepted.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumannur*): I second the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to oppose the amendment. Evidently the conception of the learned mover of this amendment seems to be this, that a wife has to be maintained only with the prospect of securing some sort of assistance from her in the interests of the husband. Hence he points out that if the wife separates herself from the husband, she should naturally forego the rights of maintenance except where the husband is personally liable for such affairs. In the case of insanity, incurable disease, and incompatibility of temperament which are three of the main heads put before the House by Mr. A. G. Menon, Mr. Paramesvaran Pillai thinks that when the wife puts in a petition for divorce she should not be entitled to maintenance. I am far from agreeing with him. In the matter of insanity, it is in the interests of the wife and her personal safety that she should as far as possible keep away from the husband. In the case of cruelty, the cruel acts are consciously perpetrated by the husband; in the case of insanity it is unconsciously perpetrated. In the case of diseases of the venereal variety and of the cutaneous kind, I would submit that they are probably the fruits of the past actions of a bad man and not the result of the present actions. As we Hindus believe in the doctrines of *karma*, we are obliged to believe, I would say, that the wife is not responsible for these things. If the husband possesses property, if he is an innocent person, he may be compelled to devote a portion to the maintenance of the wife till she finds another support. In the case of wives under the Nayar Regulation they are practically to be placed in the bel-jar of the husband's custody. Such being th case, here is the woman who has been mated to a person who, throug no fault of hers, has to be kept at a distance, but who alone has to

[Mr. T. K. Velu Pillai].

depended on for her support. No doubt, the conditions of insanity, incurable disease and incompatibility of temperament are nebulous and hazy conditions—all these, I would submit, must still control the situation. At the same time the court is given the discretion to graduate the degree of compensation according as the situation would demand. In this view of the matter I am sorry I have to oppose the amendment proposed by my friend.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I also oppose the amendment but for different reasons. My friend Mr. P. K. Narayana Pillai like a very able lawyer has discussed the principles of criminal liability in contracting incurable diseases. He has like a great scholar placed before the House some principles relating to the law of *karma*. I am sorry this House will not be able to take a stand either on the law of *karma* or on the principles of criminal liability. I would put the case on another ground. I have not come across in my short experience of the world the case of a woman trying to divorce her husband because he became ill. Sir, it is to the glory of womanhood that, when the husband contracts an incurable and dangerous disease, the wife's affection will centre itself upon that unfortunate and helpless husband. So long as our religious conceptions are not entirely removed, I do not apprehend that there will be even a single instance of a woman coming to pray for a divorce on the ground that the husband is a diabetic patient or has got a venereal disease. Whatever his fault, once he becomes imbecile, the wife will be more solicitous of helping him than she would otherwise be.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): If that be the case, why should not the Section be comprehensive?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am certainly not obliged to answer that question. The Section is not of my making. It is the product of the very careful attention bestowed upon it by several persons. I do not want to estop others from answering that. I do not propose to answer.

Even in the case of incurable disease, it may be noticed that a remedy is available only when the husband is possessed of sufficient property. Now, Sir, even under the Hindu law we find that people who suffer from congenital diseases cannot get their share of inheritance. It may or may not be due to the law of *karma*. But it is certainly due to the principles of law that apply in a particular disease. Now when society has an interest in preventing women from going about begging from door to door when the husband is possessed of property, I am for recognising that principle. Although a woman is bad enough to ask for a divorce, considering the fact that even this helpless husband cannot give her the precious treasure of virginity, considering also the fact that society has an interest in preventing vagrancy, considering also the fact that a decree will be given only when the husband has got enough money, I am for opposing the amendment.

MR. C. SANKARA MENON (*Quilon*): Sir, I support the amendment of Mr. Paramesvaran Pillai. Mr. Velu Pillai has stated—

PRESIDENT: Louder, please.

MR. C. SANKARA MENON (*Quilon*): Mr. Velu Pillai has stated that it is not likely that, when the husband is ill or suffering from an incurable disease, the wife would desert him. The working of the Regulation I of 1088 shows that most of the petitions for divorce are by the wife.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know whether Mr. Sankara Menon is able to give facts and figures? How many petitions, in how many years?

MR. C. SANKARA MENON (*Quilon*): I can only say from my experience as a vakil—since the Regulation was passed. I cannot give statistics. That has been the experience of almost all the vakils. I have not taken statistics, but I know as a matter of fact—that is what has happened in my experience since 1088—that most of the petitions, more than 90 per cent. of them, are by the wife. Therefore, under those circumstances, I think—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it with respect to the Quilon District?

MR. C. SANKARA MENON (*Quilon*): Yes, not only that. So far as Trivandrum is concerned Mr. G. Paramesvaran Pillai has told me that it is the case.

PRESIDENT: He has not spoken.

MR. C. SANKARA MENON (*Quilon*): Therefore—

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I wish to correct my friend. I never said *likely*. I only said that it would not be common. (*Laughter.*) That was my meaning.

MR. C. SANKARA MENON (*Quilon*): I know of several cases where parties had been living as man and wife for more than 20 and 30 years, and where the wife deserted the husband when he was very old, and when he had invested all his properties in the name of his wife and children, and taken another husband.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is Mr. Sankara Menon able to give us the reasons for all those desertions?

MR. C. SANKARA MENON (*Quilon*): I can only say that, in many cases, she marries another person. Soon after the dissolution is granted, she goes to another man.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*). Is he in a position to throw any light upon the divorce effected, and the reasons which led to it?

MR. C. SANKARA MENON (*Quilon*): No enquiry has been conducted and we have to infer it from the conduct of the parties.

PRESIDENT: Order, order.

MR. C. SANKARA MENON (*Quilon*): Therefore, it is rather not reasonable to penalise the husband for no fault of his, and therefore, except in the cases referred to by Mr. Paramesvaran Pillai, I do not

[Mr. A Hoogewerf.]

think that compensation could be given to the woman. On this ground I support the amendment.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I wish to point out that one principle has been ignored during the whole course of the discussion. When a husband files a petition for divorce, whatever the grounds be, whether it is the fault of the wife or the misfortune of the wife, the court shall award compensation. Mr. Narayana Pillai went to the length of saying it might be a penny. But nevertheless, on principle, compensation should be given. Now, whether it is the misfortune of the husband or the fault of the husband, how can a line of difference be drawn? What is sauce for one side must be sauce for the other side also. On that principle, I am submitting that the House will be stultifying itself, if it thinks that no compensation shall be allowed except on specific grounds when the petitioner is the husband.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Krishna Aiyar whether the Statutes in Travancore treat men and women similarly?

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikappalli*): Certainly not.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it not also the duty of the husband to maintain the wife according to Travancore law as well as Hindu law?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, we are now legislating for a whole community and it is no argument to say that cases of the kind contemplated are rather few, or that such cases may not arise at all. We must also take into consideration extreme cases and provide for them when we legislate for a whole community. Further, that the wife will not bring a suit for divorce, on the ground of the husband being subjected to incurable disease is an argument which proves too much, because in that case there will be no need for providing for a divorce on that ground at all. When we legislate we must foresee the consequences of it even though, such cases may be very extreme or very rare. Now my friend Mr. P. K. Narayana Pillai pointed out the case of a lunatic in whose case the woman would want personal protection. All that I have got to say is, that it is not impossible to get personal protection from a lunatic husband otherwise than by obtaining a divorce from him. She can remain with him. She will be maintained from his estate and for her protection she can seek remedy otherwise than by divorce and I cannot conceive that my friend Mr. Narayana Pillai cannot think of other means of protecting the wife when her husband is a lunatic than by divorce.

MR. A. HOOGEWERF (*Nominated*): Can he be not sent to the Lunatic Asylum? (*Laughter.*)

[MR. A. Govinda Menon.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Then both Mr. Velu Pillai and Mr. Narayana Pillai spoke of contagious diseases. The expression unfortunately used in this connection is not contageous disease. In some cases, in the interests of the health of the society it may be necessary to segregate the wife from the husband. But the expression used in this Section is incurable disease. Incurable disease need not necessarily be contageous disease, and in many cases, probably, incurable diseases are not contageous diseases. There may be very many diseases which are not contageous and still which are incurable, and therefore—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Paramesvaran Pillai is not alive to the necessity of preventing the propagation of diseases, if the diseases are incurable and whether diseases are to be allowed to be transmitted to children?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is a thing for the Health Department to take into consideration. If I am approached on that point I shall bestow the fullest consideration upon it. But, here, we are providing for divorce and compensation in the case of a husband and a wife in a community, and therefore, when we provide for compensation and maintenance and all those things, we have to take into consideration all the circumstances under which a divorce is sought to be obtained. Attention has also been drawn to the point that when a woman is unwilling to live with her husband she need not be maintained. Undoubtedly she will be entitled to maintenance even without obtaining a divorce. In most of such cases, I should consider that divorce is purely a sort of luxury on the part of the wife. She could live with the husband and attend on him and secure her maintenance from his estate and not go to the extreme step of obtaining a divorce and also there is no need for her to get compensation up to Rs. 5,000. It appears to me therefore that there is no point in the opposition to the amendment.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I know whether he has seen the provision in the Parsi Divorce Act which has been referred to by him and by many others, and whether there is provision in that act enabling a court in all cases of divorce to pay a sort of alimony without exception. It rests with the court to pay or not—

PRESIDENT: You must not argue. You must put a question.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is, when the divorce is at the instance of the husband, whatever may be the grounds of the divorce, some maintenance must be allowed to the wife. That has nothing to do with the case in hand here.

MR A. GOVINDA MENON (*Alangad* cum *Parur*): That may not be proper in all cases—

[Mr. Joseph Panjikaran.]

PRESIDENT: Are you arguing or putting a question or explaining? What is it?

I shall now put Mr. Paramesvaran Pillai's amendment to the vote of the House.

The amendment is that after the word 'granted' in line 1 of paragraph (*b*) of sub-clause (3,) the words 'on the ground of adultery, habitual cruelty, or change of religion of the husband' be added.

The amendment was carried 21 voting *for* and 8 *against*.

MR. JOSEPH PANJIKARAN (*Shertallai*): I propose the following amendment to Clause (3).

PRESIDENT: Is it in paragraph (*b*) of Clause 3?

MR. JOSEPH PANJIKARAN (*Shertallai*): Clause 3, paragraph (*a*).

PRESIDENT: Order please.

MR. JOSEPH PANJIKARAN (*Shertallai*): Except in cases 'when she lives in adultery.' That was what Mr. Narayana Pillai put before the Council.

PRESIDENT: 'Except where the respondent lives in adultery.'

MR. JOSEPH PANJIKARAN (*Shertallai*): Yes, I propose that 'where the respondent lives in adultery' be deleted and that the printed thing, as it was, be accepted. That is "when the respondent lives in" be deleted and "except in the case of adultery" be substituted.

PRESIDENT: Then how will the Clause run?

MR. JOSEPH PANJIKARAN (*Shertallai*): At the time of passing the order referred to in sub-clause (3) (*a*) "if the petitioner is the husband and his prayer has been granted, the court shall, except in the case of adultery or change of religion award to the wife such compensation not exceeding Rs. 5,000."

PRESIDENT; You want the words "in the case of adultery or change of religion" to be substituted.

MR. JOSEPH PANJIKARAN (*Shertallai*): That is what has been put in by my friend Mr. Narayana Pillai. What I propose is that 'lives in adultery' be deleted.

PRESIDENT: That is to say, you want "in case of adultery or change of religion" to be substituted for the words "where the respondent lives in adultery or has changed his religion." Is that your amendment?

MR. JOSEPH PANJIKARAN (*Shertallai*): Yes.

PRESIDENT: Have you anything to say?

MR. JOSEPH PANJIKARAN (*Shertallai*): Clause 5 has already been accepted. So, if the husband puts in a petition for dissolution on the ground of adultery, according to law he will be entitled to get a dissolution of marriage. In such a case, the question is, is he bound to

pay compensation to the wife or is he also to prove that she is living in adultery, to refuse compensation? My point is, when one act of adultery is sufficient to work up a dissolution, why should there be the proof of habitual adultery to deprive her of compensation? Moreover, the expression "lives in adultery" does not seem to be happy. It may be very difficult for a court of law to decide what living in adultery exactly means. On these grounds I propose that the words "lives in adultery or has changed his religion" be deleted and the words "in case of adultery or change of religion" be substituted.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out to Mr. Joseph Panjikaran that the Code of Criminal Procedure, Section 336, explains "living in adultery"?

PRESIDENT: Mr. P. K. Narayana Pillai has already stated it.

MR. JOSEPH PANJIKARAN (*Shertallai*): That explanation relates only to the expounding of the expression "lives in adultery." Anyhow, the question whether she should be given compensation if she is put off for one act of adultery, still remains. On that ground I propose that the words "in case of adultery or change of religion" be accepted.

PRESIDENT: Is that amendment seconded?

THE REV. FR. KURIAKOSE VETTIKKAPALLI (*Todupuzha cum Kunnatnad*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I oppose the amendment proposed by Mr. Joseph Panjikaran. Sir, the disqualification for any maintenance allotment to be given by the husband rests not upon any single act as the law stands at present. "The wife is not entitled to get any maintenance from the husband if she lives in adultery:" that is the language used in the Nayar Regulation Amendment Bill. I spoke of Criminal Law also. There, the language is that she forfeits her maintenance only if she lives in adultery. Mr. A. Govinda Menon's amendment to Clause 5 simply speaks of adultery. It enables any particular party to present a petition on the ground of adultery. But the quantum of adultery that would justify a court to effect a divorce must be adequate.

MR. JOSEPH PANJIKARAN (*Shertallai*): So far as divorce is concerned, one act of adultery is sufficient.

RAO BAHADUR K. A KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask my friend to tell us what part of the Regulation provides for the quantum of adultery? So far as dissolution is concerned, adultery is sufficient. As regards the question of disqualification for getting maintenance, I thought my friend was referring to a quantum of adultery.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to that statement, if the matter is not clear, except where it is made out that the wife is living in adultery, no divorce shall be granted on the ground of adultery.

[President.]

PRESIDENT: That Section has already been passed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That Section, I am submitting, is controlled by this Section. And even if the ground for a dissolution is made out, her maintenance allowance should not be stopped. That is her present right according to this amendment. So in spite of the objection of my friend Mr. Joseph Panjikaran, I am sorry I cannot support the amendment. The only other objection I have to meet is that the language is unhappy. I may draw attention to the fact that it is identical with the language in the Criminal Law and the existing Nayar Regulation. Mr. A. Govinda Menon's amendment, *i. e.*, Clause 5, does not say that a single act of adultery will constitute a ground for divorce. Generally a person is entitled to maintenance even though there is a charge of adultery.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to support the amendment. In the first place, the clause that has been accepted is that divorce shall be granted on several grounds. Adultery is one of them. It is nowhere stated, as my friend put it, as to what quantum of adultery would constitute "living in adultery." Therefore even a single act will be quite sufficient. In that Clause and the Clause that we are considering, it is stated "if the petitioner is the husband and the prayer has been granted." Therefore the Clause refers only to the amount of compensation and not to the dissolution itself. Lastly, if we go to sub-clause (3) (*b*), Mr. Paramesvaran Pillai's amendment has been carried, namely, that if the husband is guilty of adultery or cruelty or change of religion he must pay compensation. There again, it is not stated as to whether he should live in adultery with another woman or whether a single act of adultery on his part would be quite enough.

MR. K. PARAMESVARAN PILLAI (*Thiruvalla*): That Clause says that if dissolution is obtained on any of the grounds other than those mentioned, no compensation need be given.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is what I say. If compensation need be paid by the husband, the ground of dissolution is adultery. What I say is that dissolution is granted if the husband is guilty of adultery and it is nowhere stated as to the manner in which he should be found guilty, namely, whether he was living openly in adultery, or whether he was guilty of a single or casual lapse. I do not see why we should make a particular distinction and saddle the husband to give compensation when the wife is guilty of adultery, whether it may be one act or more. I think Mr. Joseph Panjikaran's amendment is perfectly reasonable.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is Mr. Subba Aiyar supporting the motion?

PRESIDENT: Yes.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I oppose the amendment. In the case of dissolution of marriage, undoubtedly, the Section as adopted by this Council does not say that a dissolution could be had only on the ground of living in adultery. But one act of adultery would probably be sufficient for the purpose of obtaining a divorce. But we have thought it expedient to make a distinction in the case of maintenance So far as my personal opinion is concerned, it appears to me that, even where a divorce is obtained by the husband on the ground of adultery on the part of the wife, the wife ought to be maintained for two reasons. In the first place, I thought that would avoid an enquiry into the conduct of the wife when she consents to the divorce. Secondly, I thought that even though adultery may be a ground for divorce, still on public grounds, it would not be expedient to deny her compensation, which is the same thing as maintenance to her, because, having been the wife of a man and having been divorced she should still live and should not be thrown into the streets. But as a compromise I have accepted this alteration in the clause as 'living in adultery', because if you deny a woman, who has been guilty of one act of adultery, maintenance or compensation which would enable her to live cleanly in after-life, you will probably be driving her to continue to live in adultery. So that, on public grounds and in the interests of the community, I think it better that only a woman *living in adultery* is denied maintenance than one who has shown some lapses in life. To err is human. The husband is not therefore compelled to keep her as his wife, but nevertheless, having taken her as his wife he must suffer the consequences of it and prevent her from going into the streets and living in adultery. But if on the other hand she chooses to continue to live in adultery, then I think it will be a sufficient ground for discontinuing her maintenance, and not otherwise.

Therefore I think in the interests of the community as a whole, as also in the interests of public morality and in the interests of the individual concerned, compensation should not be denied to a woman, because she has been divorced for a single act of adultery, unless she continues to live in adultery. Otherwise, you will be driving her to live in adultery in most cases.

MR. JOSEPH PANJIKARAN (*Shertallai*): Sir, my friend Mr. P. K. Narayana Pillai's arguments were whether one act of adultery would be sufficient—

PRESIDENT: A little louder, please.

MR. JOSEPH PANJIKARAN (*Shertallai*): Mr. P. K. Narayana Pillai raised a question whether one act of adultery would be sufficient to effect a dissolution. It seems to me that the expression used in Clause 5, namely, the word "adultery", would not be explained as 'living in adultery'. I do not think that the word adultery in Clause 5 is capable of that interpretation which he has been trying to put upon it.

PRESIDENT: He does not say that the word "adultery" means 'living in adultery.'

[President.]

MR. JOSEPH PANJIKARAN (*Shertallai*): My point is that, if for one act of adultery a woman can be put off, I do not see the logic of giving compensation to her unless it can also be proved that she was living in adultery. So I must press my amendment.

PRESIDENT: I will put this amendment to the vote.

Mr. Joseph Panjikaran's amendment is that, for the words "where the respondent lives in adultery or has changed his religion" in sub-clause 3 (*a*), the words "in the case of adultery or change of religion" be substituted.

The amendment was put to the vote and lost, 12 voting *for* and 18 *against*.

The House adjourned at 5-12 P. M. to meet again at 11-30 the next day.

S. PARAMESVARA AIYAR,

Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Tuesday, 10th June, 1924.

(*OFFICIAL REPORT.*)

The Council met again in the Victoria Jubilee Town Hall at Eleven Thirty-two of the Clock, with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Agricultural Farms.

274. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to lay on the table a statement showing the number of agricultural farms belonging to and conducted by the Agricultural Department, the year in which each of them was started, the amount spent on each till now, and the income derived from each?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A statement* furnishing the required information is laid on the table.

Statement of Applications and Appointments in the Education Department.

275. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to lay on the table a list of applicants for the posts of teachers in English Schools during the years 1097, 1098 and 1099, as also a castewar list of the appointments made during the above period?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The lists† asked for are laid on the table.

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* *Vide* appendix I—page 991. †*Vide* appendix II A & B—pages 992 and 993.

G. P. T. 4232. 314. 30-7-24.

[Mr. S. Paramesvara Aiyar.]

Castewar Statement of Officers in the Education Department.

276. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to place on the table a castewar statement showing the number of Brahmins, Nairs, other non-Brahmin Hindus and Christians, among:

(1) the teaching staff in His Highness the Maha Raja's College, Trivandrum;

(2) the Head-masters of departmental English High Schools for boys, including the officer in charge of the Model School and the Personal Assistant to the Director of Public Instruction;

(3) the Head-masters of Incomplete English High Schools for boys;

(4) the Head-masters of English Middle Schools for boys;

(5) the Assistant Inspectors of Vernacular Schools including the Personal Assistant to the Inspector of Vernacular Schools;

(6) the Head-masters of Training schools;

(7) the Assistant Inspectors of English schools including the Personal Assistant to the Inspector of English Schools; and

(8) the staff of the Assistant Inspectors of Vernacular Schools, as it stood in Minam 1098?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A statement* giving the information required by the member is laid on the table.

MR. M. N. PILLAI (*Trivandrum*): May I know why, out of the applications of 374 Brahmins, 320 Nayars, 298 Christians, 34 Mahomedans, 29 Ambalavasies and so on, the applications of the non-Brahmins were rejected except to the extent admitted and why the Government lost sight of the proportionate numerical strength of the different communities?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It consists of two questions. I shall answer question by question.

MR. M. N. PILLAI (*Trivandrum*): I wish to know why the number of Brahmins appointed rose up to 73, while the number of Nayars appointed is 24, that of Christians 33, Mahomedans 2 and so on, although there were 374 applications from Brahmins, 320 from Nayars, 298 from Christians, 34 from Mahomedans and so forth. May I know why, when these appointments were made, the importance of the other communities, the Nayars, the Christians, the Mahomedans, etc., was not taken into consideration?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

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* *Vide* appendix III—page 994.

MR. M. N. PILLAI (*Trivandrum*): Will the Goverment be pleased to take note of all these and protest against the high-handed action of the Inspectors of Schools?

PRESIDENT: You cannot insinuate. You can only put a question.

MR. M. N. PILLAI (*Trivandrum*): It is not an insinuation. It is a plaint fact.

PRESIDENT: I cannot allow you to argue or to draw inferences. You can only put a question. You should not go further. You must conform yourself to the rules of questioning.

MR. M. N. PILLAI (*Trivandrum*): My question is why, when there were 374 applications from Brahmins, 320 from Nayars, 298 from Christians and so on, the number of Brahmins appointed is 73, while that of Nayars is 24, of Christians 33, and so on.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is no rule as regards the proportional representation of communities in the matter of appointments.

MR. M. N. PILLAI (*Trivandrum*): Is it not unjust?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is a matter of opinion.

MR. M. N. PILLAI (*Trivandrum*): Do the Government propose to order the Inspectors or the other authorities concerned in the matter of appointments to see that communal representation is given effect to?

MR. S. PARAMESVARA AIYAR): (*Secretary to Government*): I claim notice of that question.

Castewar Statement of Appointments made by

Messrs. S. Subrahmanya Sastri and A. Narayana Aiyar.

277. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to furnish a castewar statement of the appointments, temporary, acting and permanent, made by Messrs. S. Subrahmanya Sastri and A. Narayana Aiyar, the Inspector of Vernacular Schools and the Inspector of English Schools, respectively, after they assumed charge of their present posts?

(*b*) Are the Government aware that, in the matter of recruitment to appointments in the Education Department, Nairs and other non-Brahmin Hindus are placed at a disadvantage under the present Inspectors of Vernacular and English Schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) A statement * giving the required information is laid on the table.

(*b*) No.

* *Vide* appendix IV – pages 995 and 996.

[Mr. S. Paramesvara Aiyar.]

Detection Work of the Excise Sub-Inspectors and Petty Officers.

278. MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Government be pleased to state:

(*a*) the number of cases of illicit distillation of arrack detected by the Excise Sub-Inspectors in 1098 and the first quarter of 1099;

(*b*) the number of cases of illicit tapping, manufacture or sale of toddy detected by the Sub-Inspectors and Petty Officers, respectively, during the above period;

(*c*) the number of cases in which the Sub-Inspectors conducted house-searches without magisterial warrants during the above period; and

(*d*) the amounts collected by way of rental, tree-tax, etc., under the head of abkari, in 1097 and 1098, with the respective estimated amounts in both years?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) 64 in 1098, and 11 in the first quarter of 1099.

(*b*) 428 and 158 by the Sub-Inspectors and 85 and 57 by the Petty Officers respectively.

(*c*) 211 cases in 1098 and 68 cases in the first quarter of 1099.

(*d*)

	Estimated receipts.	*Actual receipts.*
1097	Rs. 24,51,600	Rs. 24,14,937
1098	Rs. 20,20,000	Rs. 22,13,113

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know the cause of the decrease in actual receipts in the year 1098, referred to in answer to part (*d*)?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There has been an increase. The estimate was Rs. 20 lakhs and odd, while the actual receipts came to Rs. 22 and odd lakhs. There was more of consumption than anticipated.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If there is more of consumption, does it mean loss to the Government?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There is no loss. There is an increase from Rs. 20 lakhs and odd to Rs. 22 lakhs and odd.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is not what I want. I wish to know the cause of the decrease under actual receipts.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is due to the fact that there was the temperance campaign as a result of which the drink habit is decreasing.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Government be prepared to ask the Excise Commissioner to investigate into the cuase for the decrease?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Government will look into the papers and see if an enquiry is needed, and, if so, ask the Excise Commissioner to make an enquiry.

Inspection Work of the Conservator of Forests.

279. MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*):

(1) Will the Government be pleased to state:

(*a*) whether the Conservator of Forests inspected the records of the Divisional Forest Offices during 1098;

(*b*) whether any mistake or irregularity had been brought to light in the course of such inspection and any officer punished in consequence thereof;

(*c*) whether he visited the interior forests in 1098, and if so, the places and the number of days spent in each place; and

(*d*) the maximum distance from a motorable road which he has travelled and the name of the places inspected?

(2) Will the Government be pleased to lay on the table the notes of inspection drawn up by the Conservator while inspecting the interior forests in any three Forest Divisions?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) (*a*) The Conservator of Forests inspected three Divisional Forest Offices during 1098.

(*b*) It is reported that no serious mistake or irregularity was noticed during the inspections, that minor mistakes were noticed and that the usual steps were taken to rectify them.

(*c*) A statement * showing the names of places visited and the number of days spent in each place is laid on the table.

(*d*) Thirty-six miles. Cardamom Hills.

(2) The answer is in the negative.

Issue of a Proclamation re. Corruption of Officers.

280. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to issue a Proclamation in this State also, similar to the one that has been recently issued in Hyderabad, for checking the corruption of Government officers?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in the negative.

Expenditure of Allotment for new Roads in Muvattupuzha Taluk.

281. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to arrange for the whole amount sanctioned this year for opening new roads in the Muvattupuzha taluk being spent and the works completed before the close of the year?

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* *Vide* appendix V—page 996.

[Mr. Tariatu Kunjitomman.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Every endeavour is being made by the Chief Engineer to spend the allotments fully.

Karkatasseri—Neduvakkad Road.

282. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to arrange for the village road from Karkatasseri landing place near Muvattupuzha to Neduvakkad being converted at once into a cart road?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The conversion of this village road into a cart road is being investigated by the Chief Engineer.

Expenditure on Irrigation.

283. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state the total expenditure on irrigation during the last seven years, and the portion spent for the Kottayam Division alone?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The total expenditure incurred on irrigation during the last seven years was Rs. 16,03,264, of which a sum of Rs. 95,299 was spent in the Kottayam Division.

Conversion into Paddy Lands of a certain Tract in Muvattupuzha Taluk.

284. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Are the Government aware that there is an area of about two thousand acres of very fertile land along the northern banks of the Periyar, included in the reserve and lying along its borders and measuring about twelve miles in length, from the junction of the Deviyar (a tributary of the Periyar) with the Periyar in Muvattupuzha taluk up to Tattakad road, and that there is adequate facility for converting this area into cultivable lands by the diversion of the Deviyar water through the necessary irrigation channels without much cost?

(*b*) Will the Government be pleased to depute experts to make preliminary investigations for carrying out this project?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) They are aware of the locality referred to.

(*b*) The Disafforestation Committee for the Muvattupuzha taluk will have something to say in regard to this area and Government will await the report of that committee.

Konni Pepper Farm.

285. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) What is the distance from the Main Central Road to the Konni Pepper Farm? Is the road to the farm cartable?

(b) Do the Government think that they can realise the money expended on the farm till now by selling it in auction either as a whole or in lots?

(c) Is not this farm located at a place which is difficult of access to visitors from the other parts of the State?

(d) Will it not be more beneficial if a few sites are chosen either from the reserves or from the waste lands lying close to the main road, and small farms established in two or three places?

(e) Will the Government be pleased to open two or three small farms near the main road as suggested above by means of the funds obtainable by the auction sale of the Konni Pepper Farm either as a whole or in small lots?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) Fourteen miles. Access to the farm is by the Konni-Achenkoil trace which, with slight improvements, can be made cartable. The approach road from the trace to the farm is in good condition. Steps have already been taken to convert the trace into a cartable road.

(b) The question does not arise as the Government have no intention of selling it.

(c) No.

(d) The pepper farm is meant primarily for conducting large-scale experiments to study the various factors influencing the yield, and these experiments should be carried out on typical lands of large area. When the trace above referred to is improved, the farm will have all the facilities required for an experimental station. Small farms will not afford ample facilities for large-scale experiments, and if they are to be maintained efficiently, the charges on account of establishment will have to be increased considerably. Since the department wanted 300 to 400 acres in a block, and as such sites were not available elsewhere, the present locality was selected.

(e) The answer is in the negative.

Admission to the Alwaye Agricultural School.

286. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (a) What examination qualification has been prescribed for candidates seeking admission to the Agricultural School at Alwaye?

(b) Will the Government be pleased to place on the table a talukwar statement showing how many applications from such qualified candidates were received from each taluk and how many of such applications were accepted from each taluk?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) The member is referred to the prospectus of the Agricultural School, Alwaye, published on pages 66 and 67 of the Agricultural Sheet of the *Government Gazette*, dated the 26th February, 1924.

(b) A statement* containing the information required by the member is laid on the table.

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* *Vide* appendix VI—page 997.

[Mr. Tariatu Kunjitomman.]

Demarcation of Boundaries of Wet and Garden Lands.

287. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Are the Government aware that, in cases where the boundaries of wet or garden lands are not clear, the parties concerned get unavoidably involved in boundary disputes, riots and civil and criminal suits on account of their inability to fix such boundaries?

(*b*) Will the Government be pleased to take steps to remedy this evil by arranging for such lands being surveyed and demarcated, within a specified period, by the Assistant Tahsildars or some other agency, if applications are made and the necessary fees are deposited in the taluk cutcherry?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government have no information in regard to specific disputes.

(*b*) The question of the framing of rules for the survey of private lands on applications from land-holders is under the consideration of the Government.

Percentage of Roman Catholics, Ezhavas and Mahomedans among Teachers.

288. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state what percentages of teachers in English and Vernacular schools are Roman Catholic Christians, Ezhavas and Mahomedans?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

	Catholic Christians	*Mahomedans.*	*Ezhavas.*
English Schools	3·5	3·1	1·2
Vernacular Schools	2·3	1·8	4·1

Castewar Statement of Government Servants drawing more than Rs. 20.

289. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state how many Roman Catholic Christians, Ezhavas and Mahomedans there are in the service drawing a salary of more than Rs. 20 per mensem?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There are 232 Roman Catholics, 109 Ezhavas and 91 Mahomedans in the Government Service drawing a salary of more than Rs. 20 per mensem.

Castewar Statement of the Staff of the Survey Department.

290. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state how many Brahmins, Nairs, Roman Catholics, other Christians, Ezhavas and Mahomedans there are in the Survey Department in posts carrying a pay of Rs. 15 and above per mensem?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* furnishing the required information is laid on the table.

Toddy Shops in Kalkulam Range.

291. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): (*a*) Will the Government be pleased to place on the table a statement showing:

(1) the number of toddy shops given on contract in 1096 and 1097 in the present Kalkulam Range;

(2) the rental for each of these shops;

(3) the number of shops not maintained till the expiry of the contract;

(4) the number of trees tapped in each half-year under each shop;

(5) the amount of tree-tax fixed for each shop; and

(6) the tree-tax realised from each shop?

(*b*) Will the Government be pleased to place on the table a similar statement for the whole of 1098 and the first half of 1099 under the biennial contract for 1098 and 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) and (*b*) Statements † giving the required information are laid on the table.

Arrack Shops in Neyyattinkara Range.

292. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): (*a*) Will the Government be pleased to place on the table a statement showing:

(1) the number of arrack shops given on contract in 1096 and 1097 in the present Neyyattinkara Range (Neyyattinkara, Karinkulam and Nemam);

(2) the number among them re-auctioned;

(3) the quantity of arrack sold every month from each of those shops in 1096 and 1097; and

(4) the rental for each shop?

(*b*) Will the Government be pleased to place on the table a similar statement for the whole of 1098 and the first half of 1099 under the biennial contract for 1098 and 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) (1) Thirty-six arrack shops were given on contract in the Neyyattinkara Range for 1096 and 1097. The number of arrack shops in the range remained the same for the 1098-99 contract also.

(2) One arrack shop was resold in the 1096-97 contract and two arrack shops were resold in the 1098-99 contract.

(3) and (4) The information has been called for.

(*b*) A statement giving the information is available for perusal by the member in the office of the Secretary to the Legislative Council.

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† *Vide* appendix VIII A and B—pages 999 and 1000. * *Vide* appendix VII—page 998.

[Mr. T. Kumara Pillai.]

Training of Excise Inspectors for Distillery Work.

293. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): With reference to the answer to Question No. 30 asked on the 15th Tulam, 1099, will the Government be pleased to place on the table a statement showing the periods during which each of the six officers referred to therein as trained in distillery work was working in the various distilleries?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Of the six officers referred to by the member, only three now remain in the Excise Department, the rest having either retired or left the department. A statement* showing the period during which each of these three officers was working in the distilleries is laid on the table.

Mr. Van Ross's Tours to Alleppey.

294. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) Will the Government be pleased to state the dates on which the Excise Commissioner went on circuit to Alleppey in 1097 and 1098 and up to the end of Vrischikam 1099?

(*b*) How many days were spent there on each occasion?

(*c*) What offices were inspected on each occasion?

(*d*) Did he receive travelling allowance on all the occasions when he went to Alleppey?

(*e*) If so, what is the amount of travelling allowance received on each occasion?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) to (*e*) The information asked for by the member is contained in the statement† laid on the table.

Inspection of Accounts of Chowkeys.

295. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Will the Government be pleased to state:

(*a*) the names of the several chowkeys in the State;

(*b*) the chowkeys the accounts of which were inspected by the Excise Commissioner and the Account Officer in 1096, 1097 and 1098;

(*c*) the dates on which each of such chowkeys was inspected by them;

(*d*) whether the Excise Commissioner or the Account Officer found out any case in which duty was underpaid, and, if so, in how many instances in each of those years;

(*e*) whether the British Indian Customs authorities found out any case in which duty was underpaid here, and whether they communicated the matter to this Government, and, if so, how many such communications were received during those years?

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* *Vide* appendix IX— page 1001. † *Vide* appendix X—page 1002.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The member is referred to Appendix XXII of the Administration Report of the Excise Department for 1097.

(*b*) and (*c*) A statement* giving the information required by the member is laid on the table.

(*d*) Yes. There were two instances in which duty was underpaid in 1098. There were no such instances in 1096 or 1097.

(*e*) Yes. Two communications were received in 1097 and one in 1098.

Loss of Duty at the Alleppey Sea Customs Chowkey.

296. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Will the Government be pleased to state the amount under short levy of duty and the amount of such duty that could not be realised on account of limitation bar according to the Customs Rules, at the Alleppey Sea Customs Chowkey, during 1096, 1097 and 1098?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

Year.		*Amount of short levy.*		
		Rs.	As.	Ps.
1096	...	132	1	4
1097	...	43	3	8
1098	...	1,425	9	9

The above amounts have been fully realised.

License for Tapping.

297. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): (*a*) With reference to the answer to Question No. 84 asked on the 17th Tulam, 1099, will the Government be pleased to state whether, under the rules, the trees which were not marked could be allowed to be tapped, and, if so, whether the fees due have been realised and credited to Sirkar accounts?

(*b*) What was the number of trees in respect of which applications for license were received in 1097 and 1098, and what was the number in respect of which license was granted?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The member is referred to paragraphs 6 and 19 of the Tree Tax Rules published on pages 1839 to 1844 of the *Government Gazette* dated the 28th April, 1914.

(*b*) Information regarding the number of trees in respect of which applications for license were received in 1097 and 1098 has been called for. The trees licensed in 1097 and 1098 numbered 83,851 and 92,096 respectively.

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* *Vide* appendix XI—page 1003.

[Mr. R. Krishna Pillai.]

Scrutiny of Appointments made by Mr. Van Ross.

298. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) With reference to the answer to question No. 172 asked on the 29th Karkadakam, 1098, will the Government be pleased to state whether the scrutiny by them of the appointments up to Rs. 40 made by the Excise Commissioner at the time of the reorganisation of his department has been finished ?

(*b*) Have any changes been effected in the appointments made by the Commissioner, and, if so, will the Government be pleased to state the names and designations of the officers in whose cases such changes were made.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes.

(*b*) No.

Qualifications for Promotion in the Excise Department.

299. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): In view of the answer to question No. 1 asked on the 14th Karkadakam, 1098, will the Government be pleased to state the qualifications prescribed by the Excise Commissioner for appointment and promotion in the Excise Department ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No qualifications have been prescribed by the Excise Commissoner for appointments and promotions in the Excise Department other than those prescribed in the public service notification. A system of departmental examinations has been recently sanctioned. (*Vide* Notification R. Dis. No. 948 of 24/Development, dated the 17th May, 1924.)

Petitions re. Appointments made by the Sanitary Commissioner.

300. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): With reference to the answer to question No. 187 [207]* asked on the 28th Karkatakam, 1098, will the Government be pleased to state:

(*a*) whether they have taken any steps on the twelve representations referred to therein; and

(*b*) if so, whether they have modified any of the appointments made by the Sanitary Commissioner, and the names and designation of the officers concerned ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*)

(*a*) All the representations were considered.

(*b*) Yes; in the cases of—

(i) P. Kumara Pillai, Conservancy Overseer, and

(ii) M. Ramaswami Aiyar, Vaccinator.

* Not included in the proceedings of the 28th Karkadakam, as the member was absent at question time.

Mr. T. K. Kuruvila, Assistant Surgeon.

301. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilávankod*):
(*a*) Will the Government be pleased to state when Mr. T. K. Kuruvila was appointed Assistant Surgeon?

(*b*) Was he a volunteer in the Medical Department before his appointment as Assistant Surgeon, and, if so, where and how long?

(*c*) When Mr. T. K. Kuruvila was appointed Assistant Surgeon, was the period for which he was a volunteer included in his service?

(*d*) Is there any attendance register maintained for volunteers?

(*e*) Under what rule was that period reckoned as service?

(*f*) Has volunteering service been reckoned as regular service in the case of anybody in any department before this?

(*g*) What is the reason for this special favour?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) 3rd August, 1923.

(*b*) Yes; in the General Hospital, for about 5½ months from the 19th November, 1922.

(*c*) No.

(*d*) Yes.

(*e*) and (*g*) The questions do not arise in view of the answer to part (*c*).

(*f*) No.

Medical Officer in charge of the Out-patient Department.

302. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): With reference to the observation of the Darbar Physician that his instruction is that only new patients are to be examined every day by the senior medical officer in charge of the out-patient department, that the same patient is seen by the senior officer only once a week, and that on the other days the assistants look after those patients as they have only to repeat the medicines (*Vide* page 813, Vol. III, of the Proceedings of the Council), will the Government be pleased to state:

(*a*) whether the above arrangement mentioned by the Darbar Physician obtains in any hospital;

(*b*) if it obtains in the General Hospital, the names of the senior medical officers deputed for examining out-patients and of the assistants sent to help them; and

(*c*) whether the arrangement referred to by the Darbar Physician, has been given effect to on any day since Dr. K. Raman Tampi left that institution?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Yes; in all hospitals, as far as practicable.

(*b*) The Senior Medical Officers are (1) Mr. K. P. Raman Pillai, Deputy Surgeon, and (2) Mr. Sankara Menon, Assistant Surgeon.

[Mr. R. Krishna Pillai.]

The Assistants are Mr. T. K. Kuruvila, Ag. Assistant Surgeon, and volunteers Mr. C. J. Titus and Mr. E. K. Raman Pillai.

(c) Yes.

Remuneration received by Dr. Lakshmanan for treating the late Mr. N. A. Mahomed Kunju.

303. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(a) Will the Government be pleased to state what remuneration the Darbar Physician, Dr. Lakshmanan, received from the late Mr. N. A. Mahomed Kunju, Merchant, Alleppey, for the visit he paid in connection with his illness?

(b) How much money was received separately on account of motor charges?

(c) Did the Darbar Physician go from Alleppey to Ambalapuzha in the same car to inspect the hospital there?

(d) Were mileage and batta received from the Government in connection with that journey?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) and (b) Government have no information.

(c) No.

(d) Yes.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Will the Government be pleased to get the information from the Darbar Physician regarding parts (a) and (b)?

MR. R. KRISHNA PILLAI (*Chief Secretry to Government*): The answer is in the negative.

Remuneration received by Dr. Lakshmanan for treating Mr. Nanu Aiyar.

304. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(a) Will the Government be pleased to state what remuneration Dr. Lakshmanan received from Mr. Nanu Aiyar, Vakil, Kottarakara, for the visit he paid in connection with his illness?

(b) Will the Government be pleased to state the amount of money received separately on account of motor charges?

(c) Did the Darbar Physician go from Kottarakara to inspect any hospitals?

(d) Were mileage and batta received from the Government in connection with that journey?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*)

(a) and (b) Government have no information.

(c) No.

(d) No.

Abkari Contract to Mr. Subrahmanya Karayalar.

305. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state whether it is a fact that Mr. S. Subrahmanya Karayalar has requested that he be given the sole contract for the supply of jaggery and cocoanut toddy arrack throughout the State, and, if so, what orders have been passed on that application?

(*b*) Is there a Government order prohibiting the grant of abkari contracts to Mr. Karayalar in the State?

(*c*) If so, will they be pleased to place a copy of that order on the table?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes. The application was recorded.

(*b*) The answer is in the negative.

(*c*) In view of the answer to part (*b*), the question does not arise.

Huzur Records and Account Sections.

306. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state:

(1) the designation, present pay and qualification of the officer who is put in charge of the English and Vernacular records of the General and Revenue Secretariat; and

(2) the pay and designation of this officer in 1094?

(*b*) Is it a fact that this officer is also put in charge of the Account Branch of the General and Revenue Secretariat, which was hitherto under the control of the Secretary in charge of the General Section?

(*c*) If the answer is in the affirmative, will the Government be pleased to state the reasons for placing this section under the officer mentioned above, the number of hands employed under him, and the name, pay and qualification of the Superintendent in charge of that section?

(*d*) Was any increase to his pay as Stationery Superintendent granted to this officer in consideration of his being put in charge of the Central Vernacular Records or the Account Branch of the Revenue and General Secretariat, and, if so, by how much?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) (1) The designation of the officer is "Superintendent of Stationery and Records"; his present pay is Rs 200; qualification—Matriculate.

(2) Pay and designation in 1094—Sub-Treasury Officer, Alleppey; pay Rs. 120.

(*b*) Yes.

(*c*) The attention of Government having been drawn to the confusion prevailing in the Account Branch of the Secretariat which formed part of the General Section, the Efficiency Audit Officer was directed to suggest measures for its orderly working. He suggested that the Account Branch be separated from the General Section and

[Mr. S. Paramesvara Aiyar.]

formed into a separate section. This was done, and the newly formed Account Section, consisting of a Head Accountant, 1 clerk on Rs. 75-100, and 3 clerks on Rs. 45 to 70 and one clerk on Rs. 20 to 40, was placed under the Superintendent of Stationery.

(*d*) The pay of this officer was raised by Rs. 25 temporarily in consideration of the additional work involved. In Chingam, 1098, the pay was revised along with that of the other officers of the Secretariat and fixed at Rs. 200-25/2-250. No special pay is given to him for being in charge of the Account Section or the Central Vernacular Records.

Unused Road Materials.

307. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) whether there are any safeguards for the prevention of unused road materials being remeasured and paid for again, and, if so, what; and

(*b*) whether the orders, if any in this respect, are being strictly enforced?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes. Unused materials are recorded in monthly road material statements. Before a new supply is started, the unused materials lying on road sides are measured over to the contractors for the supply of materials, and their receipts obtained; and at the time of making payments, the unused materials are deducted and the balance alone paid for.

(*b*) Yes. They are reported to be enforced by the Division and Subdivision Officers.

Compulsory Retirement of Mr. H. R. Gunther.

308. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state whether it is a fact that they have ordered the compulsory retirement from the service of First Grade Inspector, Mr. H. R. Gunther, and, if so, the charges framed against him and submitted to the Government for their consideration by the Excise Commissioner?

(*b*) Was Mr. Gunther given an opportunity to explain the charges reported against him by the Excise Commissioner by granting him the copies relating to such charges; and, if so, what was the purport of his defence?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes. The Government are not prepared to disclose the charges framed departmentally against public servants.

(*b*) Yes. He was heard by the Dewan. Government offered to show him the records relating to the charges against him; but Mr. Gunther did not choose to peruse them or put in a defence.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that Mr. Gunther was one of the two Catholic Inspectors in the Excise Department out of a list of over sixty Inspectors in that department?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): May I know whether they are aware that Mr. Gunther had to complete only one and a half years more to complete his service?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Was any charge reported to Government against him during his long service? If so, when and by whom and with what result?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I am not aware.

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that the present Excise Commissioner raked up an old case against him and recommended him for retirement and the Government vetoed his recommendation?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I have no information.

MR. A. HOOGEWERF (*Nominated*): Has the deficiency of salt found in the local salt depôt anything to do with his retirement?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That was one of the charges against him.

MR. A. HOOGEWERF (*Nominated*): If so, are the Government aware that Mr. Gunther reported to the Head of the Department that the shed in which the deficiency was found was in a lower level than the surrounding ground and that, in case of rain, water would find its way into the shed?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I have no information.

MR. A. HOOGEWERF (*Nominated*): Was it not a fact that it was only after one year after the water found its way into the shed in question and damaged the salt, that the P. W. D. thought of attending to the improvements recommended?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that a *mahazar* was drawn up by Mr. Gunther stating that the deficiency was caused by an act of God and that the *mahazar* was countersigned by the Assistant Excise Commissioner?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

MR. A. HOOGEWERF (*Nominated*): Was not this *mahazar* placed before the Dewan by Mr. Gunther?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

[Mr. S. Paramesvara Aiyar.]

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that Mr. Raman Pillai was satisfied with the explanation and took no action in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice of that question also.

MR. A. HOOGEWERF (*Nominated*): Is it not over ten years since this deficiency occurred?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I am not aware.

MR. A. HOOGEWERF (*Nominated*): Did not Mr. Gunther state in his memorial to Government that, if he was to be made responsible for the loss, it might be taken from his security money?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

MR. A. HOOGEWERF (*Nominated*): Was any charge of corruption brought against Mr. Gunther at any time?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Not in the list of final charges, but as already stated, I am not sure whether any charge of corruption was brought against him previously.

MR. A. HOOGEWERF (*Nominated*): Was there any black mark against him?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I do not know.

MR. A. HOOGEWERF (*Nominated*): Is it true that Mr. Gunther was informed at the time he appeared before the Dewan that he would be reduced to a Sub-Inspector in case he did not retire?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I am not aware.

MR. A. HOOGEWERF (*Nominated*): Do the Government think that when an officer is suddenly faced with certain allegations he will be in a position to answer them off-hand especially as he will be feeling most nervous standing before the Head of the Administration?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): He was not asked to answer those charges off-hand. Government were prepared to show him all the papers and to give him the necessary time. He chose the alternative to retire.

MR. A. HOOGEWERF (*Nominated*): Did Mr. Gunther put in a memorial to the Government when he was asked to appear before the Dewan begging to be informed in writing what the charge or charges against him were and that he should be informed in writing what the charges were?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

MR. A. HOOGEWERF (*Nominated*): Was his prayer complied with or not?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government said that they would show him all the records connected with his case.

MR. A. HOOGEWERF (*Nominated*): Was his request complied with or not?

PRESIDENT: It has already been answered.

MR. A. HOOGEWERF (*Nominated*): Was the recommendation to retire him made in a confidential D. O. or an official communication?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I am not prepared to disclose that information.

MR. A. HOOGEWERF (*Nominated*): If the former, do the Government think it is right to act on such recommendations? Did Mr. Gunther's immediate superior report against him?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That does not arise, in view of the prior answer.

MR. A. HOOGEWERF (*Nominated*): Is there not a G. O. requiring the heads of departments and other officers to put down the charges against their subordinates specifically *in writing* and give them every opportunity to answer the charges in writing?

PRESIDENT: Mr. Hoogewerf, all these questions may be covered by a single question, "Will the Government be pleased to place the papers on the table?" You are now eliciting from Government all the details connected with the charges against Mr. Gunther.

MR. A. HOOGEWERF (*Nominated*): I have almost finished. There is only one question more.

Is there not a Government notification requiring heads of departments and offices to put down specifically the charges against their subordinates *in writing* and give them every opportunity to answer the charges in writing?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Was it done so in this case?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. A. HOOGEWERF (*Nominated*): Am I to understand that the charges against Mr. Gunther were sent to him in writing and that his explanation was submitted through his immediate superior in writing?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

MR. A. HOOGEWERF (*Nominated*): Do not the Government think that it is a summary way of dealing with a public servant?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government do not think so.

PRESIDENT: The answer has already been given.

MR. A. HOOGEWERF (*Nominated*): Does not such procedure cut at the bottom of the safety of the public service and make it most insecure?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is a matter of opinion.

[Mr. R. Krishna Pillai.]

Constitution of Board of Examiners.

309. MR. A. HOOGEWERF (*Nominated*): (*a*) Will the Government be pleased to state the principle on which the Board of Examiners is constituted?

(*b*) Is there any attempt at representing the large number of private English schools?

(*c*) If so, who is there on the Board to represent the large number of Christian schools in Central and North Travancore?

(*d*) What is the principle in appointing chief and assistant examiners? Is there a free distribution of examinerships among the teachers of Government and private English schools?

(*e*) If so, why is it that some teachers do not get examinerships at all, while others get the same continuously for a number of years?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The principle followed in constituting the Board of Examiners is to appoint the most competent persons for the work.

(*b*) and (*c*) In view of the answer to part (*a*), these questions do not arise.

(*d*) The examinerships are distributed among competent teachers employed in both Government and private schools.

(*e*) Some teachers have necessarily to be appointed as examiners oftener than others, while some cannot be appointed examiners at all. The matter does not lend itself to any rule-of-thumb treatment.

Appointment of a Medical Committee.

310. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to appoint a committee to suggest methods for improving the administration of the Medical Department?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in the negative.

Disposal of Applications for Refunds by Civil Courts.

311. MR. S. KRISHNA AIYAR (*Mavelikara-cum Kartikapalli*):

(*a*) Are the Government aware that applications for refund of money deposited or realised in civil courts are not promptly disposed of and that later applications are often disposed of when earlier applications are pending?

(*b*) Are the Government aware that no registers of such applications are kept in any court and that sometimes applications are missing?

(*c*) Will the Government be pleased to issue orders for checking such evils?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) and (*b*) Government have no information.

(*c*) A copy of this interpellation will be forwarded for the information of the High Court.

Appendix I.

***Vide* Answer to Question No. 274.**

Statement showing the receipts from and expenditure on Agricultural Farms till the end of 1098 M. E.

Serial No.	Name of the Farm.	Date of opening.	Establishment charges and allowances till the end of 1098 M. E.			Total expenditure till the end of 1098 under contingencies, supplies and services.			Receipts till the end of 1098.			Remarks
			Rs.	Ch.	C.	Rs.	Ch.	C.	Rs.	Ch.	C.	
1	Cattle Farm, Trivandrum ...	1085	16,561	22	2	1,78,143	8	12	25,767	6	6	
2	Experimental Farm, Kottarakara ...	1085	7,975	10	2	30,094	21	7	4,682	26	12	
3	Cocoanut Farm, Alleppey ...	1085	2,409	0	0	12,978	25	1	383	23	14	
4	*Cocoanut Farm, Oachira ...	1089	...	...	...	2,762	2	3	767	22	9	* This Farm is under the management of the Agricultural Sub-Inspector of Kayankulam. Hence no establishment charges.
5	Paddy Farm, Nagercoil ...	1090	15,492	6	8	49,026	2	13	14,173	20	14	
6	†Shertallai Farm ...	1093	...	...	...	1,477	16	11	2,986	1	0	† This farm is under the management of the Agricultural Sub-Inspector, Shertallai. Hence no establishment charges.
7	Demonstration Farm, Puliyara ...	1094	1,585	16	0	8,175	12	1	2,780	17	2	
8	‡Alwaye Farm ...	1094	4,845	25	4	11,094	2	10	1,971	11	9	‡The establishment charges from Edavam 1094 include the salary of the Headmaster, Assistant Teacher and his staff.
9	Cattle Breeding Farm, Esantimangalam ...	1095	2,311	23	8	34,484	23	9	1,322	3	1	
10	Pepper Farm, Konni ...	1095	4,004	24	10	35,132	11	6	561	0	13	
11	Fruit Farm, Cape Comorin ...	1098	439	5	12	3,027	11	4	...	...	...	
12	Vaikam Farm ...	1098	...	...	...	824	24	4	229	22	7	

N. B. A considerable portion of the expenditure incurred under contingencies, supplies and services is capital investment on (1) buildings, livestock machinery, etc., and (2) permanent improvements such as terracing, plotting and planting trees, as a result of which the value of the lands in the farms has increased substantially.

Appendix II A.

Vide Answer to Question No. 275.

List showing the number of applicants (Castewar) for appointment in English Schools (Boys' and Girls') during the years 1097, 1098 and 1099.

No.	Caste.	1097	1098	1099	Total.
1	Brahmins (Tamil) ...	171	151	52	374
2	Nayars ...	144	133	43	320
3	Christians ...	119	120	59	298
4	Mahomedans ...	10	17	7	34
5	Ambalavasies ...	15	12	2	29
6	Tulu Pottis ...	1	5	...	6
7	Asaris ...	9	6	2	17
8	Ezhavas ...	28	31	13	72
9	Goldsmiths ...	3	2	...	5
10	Vellalas ...	17	7	4	28
11	Konkanastha Brahmins ...	3	4	1	8
12	Kshatriyas ...	7	1	2	10
13	Barbers ...	1	...	...	1
14	Naidus ...	...	1	1	2
15	Chetties ...	...	1	...	1
16	Nadars ...	...	9	1	10
17	Blacksmiths ...	...	1	...	1
18	Malayala Brahmins ...	...	1	...	1
19	Tampans ...	...	1	...	1
20	Nambudiris ...	...	1	1	2
21	Sambavars ...	...	1	...	1
22	Arayans ...	...	1	1	2
23	Chavalakarans ...	...	1	...	1
24	Chemmans ...	...	...	1	1
25	Kannan ...	...	...	1	1
	Total ...	528	507	191	1,226

Appendix II B.

Castewar list of appointments made during the years 1097, 1098 and 1099 in English Schools (Boys' and Girls').

No.	Caste.	1097	1098	1099	Total.
1	Brahmins (Tamil) ...	26	41	6	73
2	Nayars ...	9	13	2	24
3	Christians ...	14	11	8	33
4	Mahomedans ...	...	2	...	2
5	Ambalavasies ...	1	3	...	4
6	Tulu Pottis ...	2	2	1	5
7	Asaris ...	...	1	...	1
8	Ezhavas ...	2	4	...	6
9	Goldsmiths ...	1	...	...	1
10	Konkanastha Brahmins ...	...	1	...	1
11	Kshatriyas ...	...	...	1	1
12	Nadars ...	...	1	...	1
13	Tampans ...	...	1	...	1
14	Nambudiris ...	1	1	...	2
15	Vellalas ...	1	...	...	1
16	Chalians ...	...	1	...	1
	Total ...	57	82	18	157

Appendix III.

***Vide* Answer to Question No. 276.**

Castewar statement of officers in the Education Department.

	Brahmins.	Nayars.	Christians.	Other non-Brahmin Hindus.
1. Teaching staff in H. H. the Maha Raja's College, Trivandrum ...	26	11	5	5
2. Head-masters of Departmental English High Schools for boys including the officer in charge of the Model School and the Personal Assitant to the Director of Public Instruction ...	11	2	4	1
3. Head-masters of Incomplete English High Schools for boys ...	2	...	1	..
4. Do. English Middle Schools for boys ...	7	2	6	2
5. Assistant Inspectors of Vernacular Schools including the Personal Assistant to the Inspector of Vernacular Schools. ...	10	3	7	2
6. Head-masters of Training Schools ...	2	1	6	I
7. Assistant Inspectors of English Schools including the Personal Assistant to the Inspector of English Schools ...	2	...	1	...
8. The staff of the Assistant Inspectors of Vernacular Schools including the office of the Mahomedan Inspector of Schools as it stood in Minam 1098 ...	27	51	8	1

N. B. The above figures include also persons who hold no substantive appointments.

Appendix IV.

***Vide* Answer to Question No. 277.**

Castewar statement of appointments made by Mr. S. Subrahmanya Sastri M. A., Inspector of Vernacular Schools.

Caste.	Acting.	Permanent.
Nayar	89	11
Maran	1	1
Kakkalan	1	2
Barber	4	3
Malayala Brahmin	5	1
Pandaram	2	...
Chakkala Nayar	2	...
Potti	1	2
Konkana Brahmin	1	1
Variar	2	...
Marakkan	1	...
Tandan	1	...
Nadan	6	...
Mahomedan	14	11
Christian	34	9
Maravan	1	...
Chalian	2	...
Vellala	12	...
Tamil Brahmin	34	6
Ezhava	21	4
Vanian	2	2
Pondan	2	...
Asari	4	2
Kanian	5	1
Arayan	6	2
Fisherman	1	...
Washerman	1	1
Elayatu	3	...
Paravan	1	...
Paraya	3	2
Bharatiyar	1	...
Pulaya	2	3
Aiyanavar	3	3
Cheramar	1	1
Kammalan	1	...
Ezhavatti	1	...
Chetti	...	1
Pallan	1	...
Samantan	2	...
Kshatriya	1	...
Sambavar	1	...
Kusava	1	...
Total ...	277	69

Appendix IV.—(*contd.*)

By Mr. A. Narayana Aiyar B. A., L. T., Inspector of English Schools.

Caste.	Acting.	Permanent.
Brahmin (Tamil)	5	
Nayar	2	1 on probation.
Potti	1	
Total ...	8	

Appendix V.

***Vide* Answer to Question No. 279.**

Statement showing the interior forests inspected by the Conservator of Forests during 1098 and the number of days spent in each place.

Vedagiri Reserve	17-4-98	1 day.
Poikamala Reserve	27-4-98	1 day.
Koduman Reserve	28 & 29-5-98	2 days.
Karikkattur Reserve	17-8-98	1 day.
Alapra Reserve	18-8-98	1 day.
Valiakavu Reserve	19-8-98	1 day.
Koduman Reserve	2-6-98	1 day.
Kadakkaman	15-6-98	1 day.
Kuriattumala	16-6-98	1 day.
Yerur and Ayiranallur Reserve	2-7-98	1 day.

Appendix VI.

***Vide* Answer to Question No. 286.**

Talukwar statement of applications received for admission into the Agricultural School, Alwaye.

No.	Name of Taluk.		No. of applications received.	No. selected.
1	Tovala	...	2	1
2	Agastisvaram	...	3	Nil.
3	Kalkulam	...	3	Nil.
4	Vilavankod	...	4	Nil.
5	Neyyattinkara	...	18	2
6	Trivandrum	...	25	2
7	Nedumangad	...	1	Nil.
8	Chirayinkil	...	3	Nil.
9	Quilon	...	4	1
10	Kunnattur	..	1	Nil.
11	Karunagapalli	...	4	1
12	Kartikapalli		4	2
13	Mavelikara	...	9	Nil.
14	Pattanamtitta	...	12	1
15	Tiruvalla	...	41	6
16	Ambalapuzha	...	19	1
17	Kottarakara	...	5	Nil.
18	Pattanapuram	...	1	1
19	Shencottah	...	Nil	Nil.
20	Shertallai	...	5	1
21	Vaikam	...	15	1
22	Kottayam	...	17	1
23	Changanachery	...	11	Nil.
24	Minachil	...	1	Nil.
25	Muvattupuzha	...	4	1
26	Todupuzha	...	2	Nil.
27	Kunnatnad	...	21	2
28	Parur	...	13	5
29	Devicolam	...	Nil	Nil.
30	Peermade	...	2	Nil.

Appendix VII.

Vide **Answer to Question No. 290.**

Castewar statement of employees of the Survey Department, drawing a pay of Rs. 15 and above as it stood at the end of Dhanu 1099.

Brahmins.	Nayars.	Catholic Christians.	Other Christians.	Ezhavas.	Mahomedans.	Total.
48	60	3	9	3	2	120

Appendix VIII—A.

***Vide* Answer to Question No. 291.**

Statement showing the particulars of toddy shops in the present Kalkulam Range during the contract period of 1096 and 1097.

Name of Shop.	Number of shop.	Original rental of the shop. Rs.	ch	c.	Whether the shop was maintained till the end of 1097.	Palmyra 1096 I Half year.	Palmyra 1096 II Half year.	Palmyra 1097 I Half year.	Palmyra 1097 II Half year.	Cocoanut 1096 I Half year.	Cocoanut 1096 II Half year.	Cocoanut 1097 I Half year.	Cocoanut 1097 II Half year.	Choondapana 1096 I Half year.	Choondapana 1096 II Half year.	Choondapana 1097 I Half year.	Choondapana 1097 II Half year.	Amount of tree-tax due from each shop. Rs.	ch	c.	Amount of tree-tax paid for each shop. Rs.	ch	c.
KALKULAM																							
Mulagumud ...	1	1,320	...	...	Yes.	70	40	80	45	...	20	...	20	...	...	...	...	400	21	14	400	21	14
Palliyadi ...	2	1,065	...	...	Do.	60	45	60	45	...	20	...	20	...	...	...	...	368	27	4	368	27	4
Pulimukattukurichi ...	3	300	...	...	Do.	30	15	25	15	...	10	...	10	...	...	...	...	159	1	2	159	1	2
Attur ...	4	800	...	...	Do.	45	30	40	15	...	15	...	12	...	...	...	...	284	3	...	234	3	...
Ettukode ...	5	725	...	...	Do.	40	25	40	20	...	20	...	15	...	...	...	...	248	2	14	248	2	14
Kollanvila ...	6	1,305	...	...	Do.	70	50	70	55	...	20	...	20	...	...	...	...	413	14	2	413	14	2
Brahmapuram ...	7	505	...	...	Do.	80	25	35	35	...	...	...	...	...	...	...	...	159	1	2	159	1	2
Putukattuvettivila ...	8	970	...	...	Do.	45	25	50	27	...	20	...	15	...	...	...	...	276	2	10	276	2	10
Keralapuram ...	9	1,015	...	...	Do.	60	35	60	35	...	20	...	20	...	...	...	...	343	14	12	343	14	12
Charode ...	10	1,035	...	...	Do.	55	40	90	40	...	20	...	20	...	...	...	...	383	1	10	383	1	10
Chemparuttivila ...	11	815	...	...	Do.	30	25	60	20	...	20	...	20	...	...	...	...	273	15	6	273	15	6
Manalikkara ...	12	1,120	...	...	Do.	25	30	15	25	...	15	...	15	...	...	...	...	197	5	14	197	5	14
Mekkode ...	13	60	...	...	Do.	30	20	30	15	...	...	...	...	...	...	...	...	120	24	6	120	24	6
Kesavapuram ...	14	800	...	...	Do.	30	15	30	20	...	15	...	15	...	...	...	...	197	5	14	197	5	14
Cheruppalur ...	15	1,005	...	...	Do.	50	35	50	25	...	20	...	20	...	...	...	...	305	10	...	305	10	...
ERANIEL																							
Parasseri ...	1	920	...	...	Do.	50	30	50	30	...	...	...	...	...	...	...	...	203	16	...	203	16	...
Villukkiri ...	2	1,200	...	...	Do.	45	30	45	30	...	...	...	...	...	...	...	...	190	23	12	190	23	12
Kalliyamkadu ...	3	1,230	...	...	Do.	95	85	100	85	...	...	...	...	...	...	...	...	438	26	10	438	26	10
Kandamvila ...	8	1,255	...	...	Do	45	30	50	30	...	...	...	...	...	...	...	...	197	5	14	197	5	14
Alankode ...	9	905	...	...	Do.	40	30	50	30	...	20	...	20	...	...	...	...	292	17	12	292	17	12
Monday market ...	10	1,805	...	...	Do.	215	100	215	100	...	50	...	50	...	...	...	...	1,056	...	12	1,056	...	12
Tirunainakkurichi ...	11	575	...	...	Do.	58	30	58	30	...	20	...	20	...	...	...	...	319	9	14	319	9	14
Manavalakkurichi ...	12	1,535	...	...	Do.	115	50	120	50	...	25	...	30	...	...	...	...	566	5	2	566	5	2
Vettumada ...	13	1,310	...	...	Do.	75	30	75	30	...	30	...	30	...	...	...	...	419	24	4	419	24	4
Colachel ...	14	2,700	...	...	Do.	170	45	170	45	...	35	...	35	...	...	...	...	725	6	4	725	6	4
Ottappangvila ...	15	1,075	...	...	Do.	45	15	45	...	...	15	...	15	...	...	...	...	209	26	2	209	26	2
Kurumpana ...	16	2,015	...	...	Do.	120	50	25	40	...	40	...	43	...	...	...	...	637	12	2	637	12	2
Kozhipporuvila ...	17	520	...	...	Do.	45	15	45	20	...	15	...	20	...	...	...	...	235	10	10	235	10	10
Tikkanamkode ...	18	1,075	...	...	Do.	70	15	70	20	...	20	...	18	...	...	...	...	319	9	14	319	9	14

Appendix VIII—B.

Statement showing the particulars of Toddy Shops in the present Kalkulam Range during the Contract period of 1098 and 1099.

Serial number.	Name of the Shop.	Number of the shops.	Original rental of the shop.			Whether the shop was maintained till the I Half year 1099.	Number of trees tapped during the contract												Amount of tree-tax due from each shop.			Amount of tree-tax paid for each shop.		
							Palmyra.				Cocoanut.				Choondapana.									
							1098.		1099.		1098.		1099.		1098.		1099.							
			Rs.	ch	c.		I Half year.	II Half year.	I Half year.	II Half year.	I Half year.	II Half year.	I Half year.	II Half year.	I Half year.	II Half year.	I Half year.	II Half year.	Rs.	ch	c.	Rs.	ch	c.
	KALKULAM.																							
1	Mulagumud	1	1,358	...	...	Yes.	80	45	80	...	...	20	...	...	...	...	...	...	426	6	6	416	6	6
2	Palliyadi	2	1,255	...	...	Do.	60	45	60	...	...	20	...	...	...	...	...	...	354	27	6	354	27	6
3	Pulimukattukurichi	3	520	...	...	Do.	30	15	30	...	...	10	...	...	...	...	...	...	164	3	10	164	3	10
4	Attur	4	700	...	...	Do.	40	15	40	...	...	12	...	...	...	...	...	...	205	24	2	205	24	2
5	Ettukode	5	725	...	...	Do.	40	20	40	...	...	15	...	...	...	...	...	...	223	26	...	223	26	...
6	Kollanvila	6	1,270	...	...	Do.	70	55	70	...	...	20	...	...	...	...	...	...	408	11	10	408	11	10
7	Brahmapuram	7	510	...	...	Do.	35	35	35	...	...	...	...	...	...	...	...	...	187	...	14	187	...	14
8	Putukkattuvettivila	8	910	...	...	Do.	45	30	45	...	...	15	...	...	...	...	...	...	259	15	8	259	15	8
9	Keralapuram	9	1,205	...	...	Do.	60	35	60	...	...	20	...	...	...	...	...	...	337	4	10	337	4	10
10	Charode	10	1,075	...	...	Do.	85	40	85	...	...	20	...	...	...	...	...	...	435	3	12	435	3	12
11	Chemparuttivila	11	800	...	...	Do.	55	20	55	...	...	20	...	...	...	...	...	...	292	17	12	292	17	12
12	Manalikkara	12	1,160	...	...	Do.	35	25	40	...	...	15	...	...	...	...	...	...	223	26	...	223	26	...
13	Mekkode	13	675	...	...	Do.	30	15	30	...	...	10	...	...	...	...	...	...	164	3	10	164	3	10
14	Kesavapuram	14	705	...	...	Do.	30	20	40	...	...	15	...	...	...	...	...	...	206	3	4	206	3	1
15	Cheruppalur	15	905	...	...	Do.	50	25	50	...	...	20	...	...	...	...	...	...	283	20	6	283	20	6
	ERANIEL.																							
16	Parasseri	1	965	...	...	Do.	60	45	60	...	...	...	...	...	...	...	...	...	293	25	6	293	25	6
17	Villukkiri	2	1,200	...	...	Do.	45	30	55	...	...	...	...	...	...	...	...	...	231	15	12	231	15	12
18	Kalliyankadu	3	1,250	...	...	Do.	100	85	100	...	...	...	...	...	...	...	...	...	507	18	6	507	18	6
19	Kandamvila	8	1,105	...	...	Do.	50	30	50	...	...	...	...	...	...	...	...	...	231	15	12	231	15	12
20	Alankode	9	1,100	...	...	Do.	50	30	50	...	...	20	...	...	...	...	...	...	292	17	12	292	17	12
21	Monday market	10	1,750	...	...	Do.	200	100	200	...	...	50	...	...	...	...	...	...	1,043	8	8	1,043	8	8
22	Tirunainakkurichi	11	605	...	...	Do.	58	29	60	...	...	20	...	...	...	...	...	...	322	25	10	322	25	10
23	Manavalakkurichi	12	1,500	...	...	Do.	110	50	110	...	...	40	...	...	...	...	...	...	603	2	4	603	2	4
24	Vettumada	13	1,150	...	...	Do.	75	30	75	...	...	30	...	...	...	...	...	...	412	6	8	412	6	8
25	Colachel	14	2,460	...	...	Do.	170	30	170	...	...	45	...	...	...	...	...	...	796	13	4	796	13	4
26	Ottappanavila	15	755	...	...	Do.	45	10	45	...	...	10	...	...	...	...	...	...	208	18	8	208	13	8
27	Kurumpana	16	2,005	...	...	Do.	125	40	75	...	...	48	...	...	...	...	...	...	558	22	8	558	22	8
28	Kozhipporuvila	17	580	...	...	Do.	45	20	45	...	...	20	...	...	...	...	...	...	257	...	4	257	...	4
29	Tikkanamkode	18	965	...	...	Do.	70	30	60	...	...	20	...	...	...	...	...	...	346	2	...	346	2	...

Appendix IX.

***Vide* Answer to Question No. 293.**

Statement showing the periods of training of Excise Officers in distillery work.

1. Mr. C. T. Oomman B. A., was the Circle Officer in charge of the Distilleries and Warehouses Circle from the 1st Kumbham 1095 to the 22nd Mitunam 1097.

2. Mr. M. Parasu Pillai B. A., was the Excise Inspector, Nagercoil distillery, from the 8th Minam 1087 to the 11th Chingam 1089 and from the 3rd Tulam 1093 to the 20th Dhanu 1094. He was the Circle Officer in charge of the Distilleries and Warehouses Circle from the 22nd Mithunam 1097 till the end of the year 1097. The Distilleries and Warehouses Circle having been abolished from the 1st Chingam 1098 and placed under the Assistant Excise Commissioner, Nagercoil, Mr. Parasu Pillai who was in charge of the Nagercoil circle was in charge of distilleries also from the 1st Chingam 1098 to the 7th Vrischikam 1098 and from the 20th Makaram 1098 to the 27th Kanni 1099.

3. Mr. A. Raman Pillai B. A., was the Excise Inspector, Nagercoil distillery, from the 20th Vrischikam 1094 to the 11th Chingam 1097.

Appendix X.

***Vide* Answer to Question No. 294.**

Statement showing details of Mr. Van Ross's tours to Alleppey.

Year and month.	(a) Date on which the Excise Commissioner went on circuit to Alleppey.	(b) No. of days spent there on each occasion.	(c) Offices inspected on each occasion.	(d) The amount of T. A. on each occasion. Rs.	chs.	c.	(e) Did he receive T. A. on all occasions he went to Alleppey ?	Remarks.
Makaram 1097	20th and 21st	2	...	66	14	2	In column (d)	Enquiry into questions in connection with the Fiscal Commission.
Medam 1097	21st	1	...	5	...	...		Auction Circuit ; sale of Abkari shops.
Edavam 1097	18th	1	Alleppey Circle Office	10	...	...		Reached Alleppey from Kottayam at 5 P. M. on 17-10-1097, and left Alleppey at 5 P. M. on the 18th. Enquiry into cause of deficiency in opium sent to the taluk office.
Chingam 1098	13th	1	...	...	...	...		Disposal of unsold shops. *En route* to Vaikam and other places.
Kanni 1098	17th	1	...	5	...	...		Conference of Assistant Excise Commissioners.
Makaram 1098	9th and 10th	2	Port Salt Depot and Range Office	5	...	...		General circuit to North Travancore. D. A. claimed for halt on 10th.
Kumbham 1098	20th	1	...	...	...	...		At Alleppey from 5-30 A. M. to 10 P. M. *En route* to Kottayam and other places. Enquiry into the complaint against Mr. Karayalar *re.* salt sales.
Edavam 1098	14th, 15th, 16th and 17th	4	Port Salt Depot, Sea Customs and Range Office	56	21	8		D. A. Rs. 10 claimed for halt on the 15th and 16th. Reached Alleppey at 7 A. M. on the 14th. Left at 8 P. M. on the 17th.
Kanni 1099	12th, 13th and 14th	3	...	40	4	8		Reached Alleppey at 7 A. M. on the 12th. Left at 8 P. M. on the 14th. Enquiry into the allegations made by Mr. Mamman Mappillai *re.* salt sales.
Vrischikam 1099	3rd	1	Range Office, Port Salt Depot and Ware House	...	...	...		Touched Alleppey *en route* to Vaikam, Kottayam and other places in North Travancore. No D. A. claimed. Included in mileage for journey on 2-4-1099.

Appendix XI.

***Vide* Answer to Question No. 295.**

Statement *re.* Inspection of Chowkeys.

Name of chowkey.	Officer by whom it was inspected.	Date of inspection.
1. Aramboly Chowkey.	Excise Commissioner.	12-1-1096 3-8-1096 3-1-1097 21-3-1097 30-5-1097 7-11-1097 27-1-1098 20-4-1098 and 30-10-1098
2. Quilon Sea Customs. Do.	Account Officer. Excise Commissioner.	3-8-1098 22-4-1096 and 23-11-1098
3. Quilon Land Entrance. Do.	Account Officer. Excise Commissioner.	11-12-1098 4-4-1097
4. Quilon Back water. Do.	Account Officer. Excise Commissioner.	21 to 24-12-1098 4-4-1097 4-5-1098 and 24-11-1098
5. Kottarakara. Do.	Excise Commissioner.	7-7-1096 and 5-5-1098
6. Punalur. Do.	Do.	21-4-1096
7. Arukutti. Do.	Do.	29-1-1096 21-8-1096 and 23-6-1098
8. Veluttulli. Do.	Do.	28-4-1096
9. Kandanad. Do.	Do.	28-4-1096 and 13-6-1098
10. Parur Tottumukham. Do. Do.	Do.	22-8-1096 6-5-1097 and 18-6-1098
11. Munambam. Do.	Do.	7-5-1097
12. Varapuzha. Do.	Do.	16-6-1098
13. Kumili. Do.	Do.	13-6-1097
14. Karinkulam. Do.	Do.	14-9-1098
15. Chinnar. Do.	Do.	15-9-1098

[Mr. S. Krishna Aiyar.]

THE NAYAR REGULATION AMENDMENT BILL.

PRESIDENT: We are at sub-clause (3) of amendment to Clause 8 of the Nayar Regulation Amendment Bill.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I move that the words *'not exceeding Rs. 5,000'* be deleted from clauses (*a*) and (*b*). A limit is sought to be placed by Statute upon the discretion of judicial officers. Cases may arise when judicial officers may have to give more than Rs. 5,000. So long as we have trust and confidence in judicial officers no limit need be placed, and least of all, any statutory limit. Ordinarily, when a maximum is specified it is taken as the standard. It is not in keeping with the principles of legislation to attempt by Statute to confine judicial discretion.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I oppose the amendment. With respect to the observation of my learned friend that nothing like a limit shall be placed on judicial discretion I would just draw his attention to the various terms of imprisonment prescribed in the Indian Penal Code. Then, there are civil measures also, which, of course, cannot be cited at such short notice. I would also invite the attention of the learned mover to the existing provisions of the Nayar Regulation itself. We have got a standard fixed with respect to the question of compensation. My friend observed, during the course of his argument, that once a standard was fixed there was the possibility of that standard being accepted as a model by the judicial officers. At the same time, my friend said that, so long as we were prepared to place trust in judicial officers, no standard need be fixed. Both these observations cannot go together. If the judicial officers, according to my friend, are likely to confound the maximum fixed as the model, we are more or less in a position to imagine the sort of judicial officers that my friend keeps before his mind's eye. We have fixed the standard in consideration of the existing law and also the nature of the judicial officers that we have to deal with. As to the question whether a standard itself is necessary, we have various circumstances to be taken into consideration. In the case of a Nayar wife or husband who may be divorced there is the possibility of both of them marrying again. It may be that a wife at the age of 60 may be divorced by a husband aged 70. In such a case, certainly, some standard must be given to the judicial officer who sits in enquiry for the consideration of the divorce of such old people, as to the moderate sum that is to be given as compensation. In view of all these facts and adopting also the wisdom of the previous set of legislators, I would oppose the amendment proposed and submit that this clause may stand as it is.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Is it Mr. Narayana Pillai's opinion that judicial officers' discretion may be trusted from Rs. 1,000 to Rs. 5,000?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Certainly; it is as a model to judicial officers that the amount has been fixed. The trust that we are obliged to place in judicial officers is a matter of pure necessity.

MR. S. KRISHNA AIYAR (*Mavelikara cum Kartikapalli*): I have nothing to answer.

The question that the words 'not exceeding Rs. 5,000' be deleted from paragraphs (*a*) and (*b*) of sub-clause (3) of Clause 8 was then put to the vote and lost.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I beg to move the following amendment:—

Add at the end of paragraph (a) the words "having regard to the position, means and circumstances of the parties."

We have these words at the end of paragraph (*b*). Paragraph (*a*) runs as follows:—

"(*a*) If the petitioner is the husband and his prayer has been granted, the court shall, except in the case of adultery or change of religion, award to the wife such compensation not exceeding Rs. 5,000 or such monthly allowance till her remarriage as would be proper under the circumstances."

There is no justification for omitting the words 'having regard to the position, means and circumstances of parties,' which occur at the end of paragraph (*b*).

MR. N. KUMARAN (*Nominated*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I accept the amendment.

The amendment was accepted by the House.

MR. P. T. THOMAS (*Kottayam*): I move an amendment to clause (*b*).

PRESIDENT: A little louder please.

MR. P. T. THOMAS (*Kottayam*): I propose the following as an amendment to paragraph (*b*). Add the following proviso:—

"Provided that the necessary court fee has been paid on the compensation or monthly allowance claimed."

PRESIDENT: What is the proviso?

MR. P. T. THOMAS (*Kottayam*): The proviso that I read just now.

PRESIDENT: But you cannot be heard.

MR. P. T. THOMAS (*Kottayam*): Add the following as proviso to paragraph (*b*):—

"Provided that the necessary court fee has been paid on such compensation or monthly allowance claimed."

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that a similar amendment appearing in the old agenda is to be

[Mr. S. Krishna Aiyar.]

moved by Mr. Subba Aiyar. Mr. Subba Aiyar's amendment is also about payment of court fees in regard to compensation. That amendment we have already adjourned for consideration after this amendment is disposed of.

PRESIDENT: That relates to Clause (8).

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, Sir. That has been adjourned for consideration after this amendment is disposed of.

PRESIDENT: Will you also wait, Mr. Thomas?

MR. P. T. THOMAS (*Kottayam*): My amendment is a different one. Mr. Subba Aiyar's amendment relates to the payment of court fee on the sum decreed. My amendment relates to the payment of court fee on the sum claimed.

PRESIDENT: What is it? I do not see the difference.

MR. P. T. THOMAS (*Kottayam*): My amendment relates to the payment of court fee before a decree is passed. The other amendment relates to court fee to be paid after a decree is passed.

PRESIDENT: I do not quite follow you. Of course, there is the petition and the necessary stamp will be attached to it.

MR. P. T. THOMAS (*Kottayam*): A certain sum may be claimed by the respondent in the counter-petition.

PRESIDENT: You want court fee to be paid with regard to the statement?

MR. P. T. THOMAS (*Kottayam*): The court has to investigate the claim before a decree is passed, *i. e.*, as to how much money is due to the respondent by way of his claim. Whatever be the amount which he claims he must pay court fee.

PRESIDENT: You may move it; but please put it in unambiguous and clear language. Please repeat the proviso that you wanted to be added.

MR. P. T. THOMAS (*Kottayam*): *Provided that the necessary court fee has been paid on such compensation or monthly allowance claimed.*

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I second the proposition. As at present, in respect of suits for dissolution of marriage, a court fee of Rs. 10 is fixed. When a petition for dissolution is presented, the respondent makes a counter-claim and asks the court to adjudge with regard to that. The claim may be for one rupee, one thousand rupees or five thousand rupees. The court has to go into the question not only as to the reasons for dissolution but also as to what amount may be allowed to the respondent as compensation or monthly allowance. As the court has to consider that question it has necessarily to be vested with the jurisdiction, and ordinarily the jurisdiction

depends upon the court fee paid. (*Hear, hear.*) If no court fee be demanded, the court will have to consider the question and the Government will not be a gainer to the extent of the court fee. The amendment of Mr. Subba Aiyar will affect the provision that court fee need be paid only on the amount of the decree.

PRESIDENT: For the purpose of execution, I think.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Court fee has to be claimed not only on the amount adjudged. In ordinary cases when a plaint or an appeal is put in, court fee is paid upon the value of the claim and it does not depend upon the result of the suit. So, what Mr. Thomas proposes is that, when the respondent puts forward a claim for a certain amount, the court shall be allowed to enter into the question only after the claim has been taxed. The question of taxation, *viz.*, payment of court fee, should not be made dependent upon the result of the claim.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): May I know from Mr. Krishna Aiyar whether court fee is levied, at present, on the amount claimed by way of improvements in a written statement?

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I believe, my friend knows, it is not.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I oppose the amendment. It might be pointed out that, even as it is, under the existing Nayar Regulation, the court fee has to be paid after the determination of the compensation amount, and rightly so. It is unwise to ask—it will be putting the respondent in a very awkward situation—the respondent who may be the counter-petitioner to pay court fee on the amount that may be adjudged later on. If my friend Mr. Thomas had read correctly clauses (*a*) and (*b*) of sub-section (3), he would not have moved this amendment. The clauses read as follows: "if the petitioner is the husband and his prayer is granted," "if the petitioner is the wife and her petition is granted," then the court has to proceed to decree such compensation not exceeding Rs. 5,000 or such monthly allowance as would be proper under the circumstances. It may be that the petitioner goes in not to contest the case. She goes in only to deny the allegations in the petition and does not say anything else except at a subsequent stage when he or she is called upon to contest the claim for compensation. The amount of compensation has to be adjudged and it is only on an ascertainable sum that the parties should be asked to pay court fees at all. As a matter of fact the existing Regulation provides for that and the Select Committee considered that, and even said that it should not be allowed. It is only in case of appeal that the sum claimed or awarded should be the basis of court fees. It is on that ground that Mr. Subba Aiyar has put in his amendment. So that, to say from the very start that court fees should be paid upon an amount which you will have to fix from the very beginning is going too far in the light of the new amendments to clauses (*a*) and (*b*).

[Mr. P. K. Narayana Pillai.]

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I oppose the amendment. So far as I had been able to gather, the proceedings begin on the petition and, as such, I do not think that in such cases regular court fees should be levied as in a regular plaint.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I also wish to oppose the motion. The existing Nayar Regulation and the Bill submitted by the Select Committee do not make any provision for payment of court fee. For the consolation of my friend Mr. Krishna Aiyar, who seems to be anxious to better the position of the Government in this respect, I may draw his attention to the analogus provision in the Indian Divorce Act and the Parsi Divorce Act, where there is absolutely no hedge furnished to fetter the discretion of the court. Further, where the wife or the husband, as the case may be, who happens to be the respondent or the petitioner, claims compensation, in the nature of the amendment now discussed, it is the duty of the court to determine the compensation. When once the necessary fee upon the petition has been paid—

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask whether the court is bound to go into the question if the respondent does not claim the compensation?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Certainly.

PRESIDENT: "Shall" is the word.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The question of alimony is a matter which the court has necessarily to go into except where there is a disclaimer by the wife. Of course, we have got in the ordinary practice the analogous question of improvements. Originally, it was a perturbing element for the judiciary in practice. But now that has been set at rest by the decision of the High Court that in such cases no court fee need be paid. It is only when accounts are actually taken that the payment of court fee is contemplated under the Court Fees Act by defendants in account suits.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Are definite amounts claimed?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): No; the parties suing and the parties opposing need pay court fees only after the amounts are adjudged. Such being the case, the novel procedure urged by Mr. Thomas, certainly would be a jarring element in the Bill under consideration. So I oppose the motion of my friend.

I would also try to alleviate the anxiety on the part of the Government, and also on the part of Mr. Krishna Aiyar who seems to be somewhat ardent by pointing out that the British Indian Court Fees Act provides for a consolidated payment of twenty rupees only and nothing more. If the legislature in Travancore wants to make some money out of the divorce of Nayar women, they may do so on the model of the said Act.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I also oppose the amendment moved by Mr. Thomas. The principle of the Court Fees Regulation is that court fees have to be paid according to the relief sought for in the plaint. The question for determination is, what is the relief and what should be paid for that relief. There may be several incidental reliefs, when the court may be asked to go into one question; and on such incidental reliefs no court fee is required to be paid under the Court Fees Regulation. In a divorce proceding, what is the relief sought to be claimed? The relief sought is a declaration of dissolution of marriage. Of course, court fee will have to be paid, if that relief is not sought for. If it is sought by a petition not under this Regulation, then court fee will have to be paid. And all other questions that courts may have to go into are only incidental to the main relief. It is for that reason that in such cases the successful party is not required to pay any court fees. In the case of a redemption suit no court fee is paid on the improvements, because in a redemption suit, the other question is incidental to redemption. Then there is the case of compensation for improvements made by the party in possession during the time the decision was in force. That is incidental to the main relief, and therefore no court fee is asked to be paid. Therefore it is against law and procedure to require court fees to be paid on a petition in a divorce suit. There has been no reason urged for it.

MR. P. T. THOMAS (*Kottayam*): പട്ടിക കൊടുക്കുന്നതായാൽ—

PRESIDENT: You are talking in Malayalam. You must choose between talking in Malayalam and talking in English. If you talk in Malayalam, you must always talk in Malayalam.

MR. P. T. THOMAS (*Kottayam*): I have no objection to talk in English.

If any amount is claimed in the written statement, then fees must be paid on that. I do not say that no court fees need be paid on the adjudged amount; but my wording is that court fees must be paid on the amount claimed. Mr. Narayana Pillai was saying that the court was bound to give some power to the respondent as the court found fit. For my purpose I do not say any fee must be paid; but if any fee is paid on the amount then it must be on the written statement. Otherwise parties may be claiming exorbitant sums as compensation. It may be very difficult for the court to find out the exact sum that should be paid. The court will have to dispose of this matter as a regular suit. They say a certain fee has been paid on the application; but that is for the dissolution of marriage. For the dissolution of marriage I do not say fees should not be levied. This is separately for the amount that the respondent claims. If he does not claim anything, of course, under the proviso the applicant need not be paid anything.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I ask whether he is aware of the rules in regard to redemption of mortgages, and whether he is aware of the rules for payment of fees for improvements in redemption suits?

[Mr. S. Krishna Aiyar.]

MR. P. T. THOMAS (*Kottayam*): As a lawyer, I think, Mr. Ramakrishna Pillai knows it also.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I wish to have an answer.

PRESIDENT: That question has already been put and answered.

MR. P. T. THOMAS (*Kottayam*): If the parties do not claim it, no court fee need be paid.

The amendment was put to the vote and lost.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Before we pass on, I have a verbal change to suggest. In clause (*a*), the wording is "if the petitioner is the husband and his prayer has been granted" and in clause (*b*) the wording is, "if the petitioner is the wife and her petition is granted." For the sake of uniformity, it will be better to introduce the word "*is*" instead of "has been" in clause (*a*) and "*prayer*" instead of "petition" in clause (*b*).

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no objection to accept the amendments.

The amendments were adopted by the Council.

PRESIDENT: We now pass on to sub-clause (4).

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Before we pass on to sub-clause (4), I would request the President to consider the forum provided for the trial of matrimonial causes, *i. e.*, Clause 8. The position of the delegates indicated in the particular clause is akin to that of a jury, and since it is the idea that the verdict of the majority of the delegates empanelled would be final, the nature of the appeals to be preferred to the High Court in accordance with the finding of facts by the delegates will have to be considered. So, first of all, I request the President to be so good as to consider the nature of the tribunal before the question of appeal.

PRESIDENT: I have no objection. We will proceed with the consideration of Clause 8. I will read out the Clause.

"(8) The Government shall, in accordance with rules to be framed, appoint persons within the jurisdiction of each District Munsiff to be delegates to aid in an enquiry under this Chapter. The persons so appointed shall be Nayars, males or females, and their names shall be published in the *Government Gazette*. The delegates to aid in an enquiry shall be selected by the court in rotation from the delegates appointed for each court."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg to move that sub-clause 8 be deleted.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I have an amendment to Clause 8. My amendment is brought forward in order to define the functions of the delegates.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): Mr. Subba Aiyar has the primary right.

PRESIDENT: Yes.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have to move an amendment.

PRESIDENT: Yes; you may move your amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, this sub-clause contemplates that in the matter of divorce there should be a jury or assessors, by whatever name they may be called here.

PRESIDENT: "Delegates" they are called.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): —Delegates, to assist or aid the court in the trial. Now I beg to submit that there is absolutely no necessity for such a provision in the Bill. I understand that Mr. Narayana Pillai has taken the provision from the Parsi Act. I may say that the amendment does not find a place in the Indian Divorce Act. So far as the Parsi Marriage and Divorce Act is concerned, it is an Act of 1865, passed, I need not say, many years ago; and therefore it is a very old Act. I do not say that there is anything wrong in adopting a provision from an old Act; but I say that the circumstances which led to the provision being enacted in that Act must be that the Parsis as a community are very small in number. The Act whose provision has been adopted here was intended to apply to the whole of India consisting of various Presidencies. In each Presidency there was to be only one court, the High Court, called a Parsi Matrimonial Jurisdiction Court, and it is open to the Government to constitute more courts—for instance the District Court, as Matrimonial Courts. We do not know whether such a court has ever been constituted. Thus the court that was intended to try divorce cases was a High Court or a District Court. In 1865 I do not think there was any Indian as a Judge in a District Court, or as a Chief Justice of a High Court who could sit in a Matrimonial court. He was generally a European. The Parsis were very few in number; their habits, customs and manners were not known to Europeans and probably it was thought that it would be necessary in the interests of justice to know something about them. And therefore it was evidently thought necessary to have delegates. But when we come to the Indian Divorce Act of 1869 which concerns Christians, it was evidently thought that such a provision was unnecessary. Coming to our own country, we are not as a matter of fact accustomed to this system. When in the Criminal Procedure Code an attempt was made to have the jury or assessors for trial there was very strong opposition, with the result that that provision was dropped. In matrimonial criminal cases before a Sessions Court, it is a well-known fact that when a man is charged with bigamy or adultery the court is not aided by a jury or assessors. We also know, as a matter of fact, that, in every criminal case tried by a sessions court, they have got either a jury or assessors in British India. So in the case of a limited number of trials which concern a very limited number of people like the Parsis, whose habits and manners were not known to the Judges, that provision was put in several years ago. But what is our condition here? Our Munsiffs who

[President,]

are to exercise jurisdiction under this Bill are Brahmins, Nayars, Ezhavas and other Hindus or Christians, and every one of them knows the habits and manners of the Nayars very closely. That being the case, it is absolutely unnecessary to have a certain number of people to assist the court in deciding as to whether the evidence adduced by the respondent or petitioner is reliable or otherwise. When we have no precedent for having jurymen or assessors before our courts, I think the amendment is absolutely unnecessary. In Clause 6—I am anticipating it—the whole proceedings, it is said, should be *in camera*. I think those words '*in camera*' do not appear in the Parsi Act. That is also one of my reasons. Under these circumstances, I do not think that any proper case has been made out to co-opt delegates for the purpose of expressing an opinion. Further, the amendment, as it stands, does not say what the powers of these delegates are, whether their verdict should be binding on the court as jurymen or whether their verdict will be, as in the case of assessors, merely advisory and whether in such cases anything should be done by the court. All these matters are not covered by the amendment. In the absence of specific provision as to what exactly the powers are, and as to who should exercise these powers, and in view of the broad fact that there is no precedent so far as Travancore is concerned, and seeing that the habits, customs and manners of the Nayars are well-known to every judicial officer, I do not think it necessary to encumber the Statute by means of a provision requiring the delegates to consider the question as to whether there is a proper case for divorce or not. With these words I move that the Clause be deleted.

MR. T. K. VELU PILLAI, (*Trivandrum* cum *Nedumangad*): May I have the total population of the Parsis?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That idea struck me in the morning; but I had not the *Census Report* before me. The population must be very small, certainly much less than the Nayars.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir, Mr. Subba Aiyar's amendment is to delete the whole Clause. My amendment is to add at the end of the Clause a sentence by which the functions of the delegates might be defined so that the Clause might be made clear and definite. I may be permitted to submit that these two amendments may be put together so that the House may be able to judge which of the amendments should be preferred.

PRESIDENT: I do not think there is a necessity for putting the two amendments together. Your amendment, Mr. Ramakrishna Pillai, is that the sub-clause is necessary. Mr. Subba Aiyar has moved that the sub-clause be deleted. I cannot put the two amendments together to the vote or allow them to be discussed together. Mr. Subba Aiyar's amendment may be discussed and voted upon. If that is carried, your amendment does not come in, and, if it is not carried, you can then move your amendment.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I may be permitted to mention a difficulty. Mr. Subba Aiyar's amendment is to delete the whole sub-clause. My amendment is to add. If my amendment is accepted, then it will mean that the Clause should stand.

PRESIDENT: You cannot move your amendment now. But in opposing the amendment of Mr. Subba Aiyar, you may say that this is your proposal. You may say that these are the functions of the delegates, and you may press upon the House that the Clause may be so defined.

MR. N. RAMAKRISHNA PILLAI: (*Vaikam* cum *Ettumanur*): Yes, Sir; I oppose the deletion of that Clause. My suggestion is that the sub-clause might be made clear and definite by the addition of the following words at the end of it:—

"And the decision on the facts shall be the decision of the majority of the delegates before whom the trial is held, questions of law and procedure alone being determined by the presiding Munsiff."

With this addition I submit that the Clause will be clear and the functions of the delegates will be more clearly defined. If my suggestion is accepted, I submit that the Clause should be maintained in view of the fact that the enquiry will be made more easy with the aid of the delegates in such an enquiry. Mr. Subba Aiyar said that the Parsi Marriage Act did not contain a provision to conduct the trial *in camera*. It is not so. The Parsi Marriage Act does contain a provision to the effect that the trial should be held within closed doors. In view of that fact and in view of the fact that the peculiar function of the delegates is to decide questions of fact, I beg to oppose the amendment to deleate the whole Clause. I may also be permitted to point out that in the Matrimonial Causes Act of 1852 passed by the British Parliament—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask Mr. Ramakrishna Pillai whether, in all civil trials in original cases, the court is not generally assisted by a jury in England?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Ordinarily the court is assisted by a jury. Nevertheless it was deemed necessary to insert a special provision in the Matrimonial Causes Act to the effect that the decision of the jurors with respect to questions of fact in divorce proceedings should be binding on the judge. I submit that this provision is exactly the same as in the Parsi Marriage Act. The Malabar Marriage Commission in their enquiry have made certain observations with regard to the necessity for a similar provision. They observe:—

"There is however one matter which deserves special notice. It would be a great improvement if issues of fact relating to conjugal frailty were referred for trial to a local jury or Panchayat and the necessity for scandalous and demoralising revelation in public courts of justice thereby averted. . . . . I would introduce a provision in the proposed Act making it competent to the District Munsiff to refer issues of fact in matrimonial suits to a caste-Panchayat to be constituted on the application of either party to the suit or by the court itself of its own motion and rendering

[Mr. P. K. Narayana Pillai.]

its verdict final subject to the provisions of the Code of Civil Procedure relative to trials before arbitrators. The revival of such tribunal for the trial of matrimonial suits has been suggested by a considerable number of educated Malayalis. It is however feared that the caste-Panchayat may not work well and may be found wanting in judicial impartiality. But I am not without a firm belief that if it is carefully constituted and encouraged it will be accepted by the people with all its imperfections as a very appropriate subsidiary tribunal for the investigation of delicate questions of conjugal infidelity."

Thus we see that that question was also before the Malabar Marriage Commission and they considered that such a course would be acceptable to the community. In the present provision also the attempt is to aid the court in such matters especially with reference to the decision of facts. My suggestion is that, if the Clause is made clear and the decision of facts is left to the delegates proposed to be constituted by the Clause, the proposal will be acceptable to the people and the decision in the trial of divorce cases will be more satisfactory. Therefore I beg to move the amendment.

PRESIDENT: You mean you oppose the amendment?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): In opposing the amendment, I offer my suggestion and move my amendment also.

PRESIDENT: That will come later on. You will have to move it after this amendment is disposed of.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): *I also oppose the amendment proposed by Mr. Subba Aiyar. In addition to the reasons given by Mr. Ramakrishna Pillai, with a wealth of learning and wisdom, I would point out that there are additional reasons also. My learned friend referred to the Indian Divorce Act, and there he pointed out, that no such provision like the one existing in the Parsi Marriage and Divorce Act exists. He commented upon the old age of the Parsi Marriage and Divorce Act. But the difference in age between the Indian Divorce Act and Parsi Marriage Act is after all only a period of four years. On that ground very little can be pressed seriously. The one was passed in 1865 and the other in 1869. That is all the difference. Further, at various stages, by a number of amending regulations, the last of which, as noted in the book I have got before me, is one of 1920, that Act has been dealt with and kept up-to-date. The alterations introduced left the question of "delegated" untouched. If the Parsis thought that it was impossible for them to dispense with the aid of delegates in the trial of their matrimonial cases, I fail to see what turns upon the old age of the Act as was emphasised by my friend. Let us also take into consideration yet another fact. The Indian Divorce Act, as well as the Parsi Marriage and Divorce Act, invest the District Courts or the High Courts with jurisdiction for the entertainment and trial of matrimonial cases. Nevertheless, the House in accepting the amendment proposed by Mr. Govinda Menon declared that, for the purpose of the trial

of Nayar matrimonial cases, the District Munsiff would be empowered to hear them. Undoubtedly, there is a gulf of difference between a District Munsiff and a District Judge. Starting as we do at the lowest rung of the judiciary, I am clearly of opinion that some extraneous assistance is absolutely necessary. In view of the amendment already carried we have to start with the District Munsiff. His knowledge may be very great. But if I am allowed to speak extra-officially, that is to say, through knowledge gleaned outside official records, I may bring to the notice of the House strange intruisions of ignorance through the mass of learning of judicial officers, as where a Munsiff confounded "*tadis*" of land as having something to do with logs of timber! So in spite of the close knowledge, which my friend Mr. Subba Aiyar is prepared to credit the District Munsiffs with, through the whole of Travancore, of the customs, manners and the inner working of a Nayar household, I would submit that I am not prepared to place undeviating trust in them. Sir, I have personal experience of District Munsiffs who, in deciding suits relating to marumakkathayam families, simply ask whether the Karanavan has joined in the document as if that would settle everything. Judges who are not acquainted with the peculiar ways, shifts and devices of the Karanavan are easily bamboozled and a reference to law reports will hardly suffice to solve the questions. Thus the tarwads may be seen running the risk. Such being the case, I first of all challenge the statement of my friend when he says that every Munsiff possesses a pretty close knowledge of all the situations of a marumakkathayam family. I challenge it seriously and therefore it is that I want extraneous assistance to be afforded to these people. Further, Sir, we are entering upon an experimental stage. My friends Mr. K. Paramesvaran Pillai and Mr. T. K. Velu Pillai doubt whether Mr. Govinda Menon's amendment has got the support of the community behind it. I also share the doubt whether his amendment has got the support of the community, but I would bow to the decision that has been made by the House. I do not know whether my community would accept the law as it is passed by the members of the House. So, I am pacifying the sentiments of my community in this respect. I thought of a parallel instance as prevailing in a very enlightened community like the Parsi community which thinks that such a hedging is necessary in the interests of their females. It is with all these views that I put forward the measure with respect to the association of the members of the community to assist in or to go into the propcsed dissolution of marriages.

Then, with respect to the side question raised by my friend Mr. Ramakrishna Pillai whether an addition is not necessary to clearly define the function of the delegates, I am perfectly at one with him in thinking that it is absolutely necessary. In fact, it was by a regrettable oversight that I did not reproduce it at the time when I submitted my amendment. It was too late in the night and in groping through the Statute books I somehow or other chanced to omit it. Therefore, I am very glad to accept the amendment that has been moved by Mr. Ramakrishna Pillai and very sorry that I have to disagree with my learned friend Mr. Subba Aiyar.

[Mr. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): The wisdom of Munsiffs and Judges has been commented upon rather elaborately. Mr. Subba Aiyar remarked that Munsiffs were very learned and Mr. P. K. Narayana Pillai—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I said that they were acquainted with the habits and manners of the people of Travancore.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Learned in the usages and manners. I suppose that is perfectly correct. (*Laughter.*) Mr. P. K. Narayana Pillai would say that the District Munsiff knows nothing about it. District Judges may not always be better. I may also speak about my experience of the capacity of judicial officers. One Munsiff, when he was in North Travancore, gave a decision to a party in which he applied the Hindu Law to a case between Syrian Christians. (*Laughter.*) I argued that case in the High Court and both the learned Judges had a hearty laugh at the Munsiff's expense. But the decree was not modified. (*Laughter.*) Some years afterwards I found a Judge of the High Court himself falling into a similar error (*laughter*) by quoting the law of one community to decide a case between the members of another community. When the High Court itself commit these mistakes—

MR. A. HOOGEWERF (*Nominated*): May I know the history of that case?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I think that question would be best honoured by silence (*laughter*) because I do not think the question will elicit any fact useful to the discussion.

The proposed board stands on a different footing. If you trace the history of the jury system, Sir, it will be found that it arose from a system of combination where the men of the locality were got together and they were able to give some information to the officers deciding the case about certain things taking place. It was a conclave of neighbours who knew personally about the facts of the case. The principle now adopted is similar. The members of the Nayar community are likely to know more about the actual life of the Nayars, the conditions of the marriage and ordinarily the conditions of life in Nayar tarwads also. I may also refer to a very sad experience I had with one of the District Judges, when I was arguing a case some ten years ago. I had reason to say that on the day when a gift deed was executed certain Brahmins were sent for and *dakshinas* were given. On that ground the learned Judge disbelieved the gift. That is ignorance of a colossal kind. If there is the board as contemplated in this amendment, the judicial officers will not fall into errors of this kind. Moreover, the members of the same community sit along with the judicial officer in deciding or helping the disposal of these cases. It is possible that many secrets may be

divulged to the court and this is also a fact which we have to take into consideration. My learned friend Mr. Subba Aiyar said that the Parsis were few in number. I think that fact is not necessary for the discussion, and Mr. Subba Aiyar could certainly have given us the number of Parsis in India. That information is not forthcoming. I attach importance to the fact that even the Parsis,—a very civilised and a very rich and influential community in India – even they want such a provision. Therefore this has been advisedly put in with the express intention of preventing grave dangers to the society—dangers proceeding from the ignorance of judicial officers.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I regret, Sir, I cannot see eye to eye with my friend Mr. Narayana Pillai or my friend Mr. Velu Pillai. There is no use of impeaching in this hall the capacity of judicial officers just to help them to put forward an argument that they have got.

PRESIDENT: You cannot say that their capacity is impeached. But their knowledge is impeached.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Yes; their capacity to do their duty is impeached. Only in that particular sense I meant it. I do not think any of my friends doubt the integrity of any of the judicial officers in Travancore. I said that there was an attempt to impeach the capacity of the judiciary in Travancore as justifying the introduction of a panel of jurymen or assessors to determine the cases that are likely to crop up in matrimonial alliances.

PRESIDENT: It is not their capacity; but it is their ignorance of customs and manners that has been impeached.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know whether they may not be given more information than that which they already possess?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That without the help of these assessors the Judges would not be able to do justice to one of the parties is the assumption with which they have started. My friends were developing their case in this way, *i.e.*, the habits and customs of the Nayar community are thoroughly known to every member of that particular community.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Not necessarily.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Then what is the meaning of your confining the membership to the members of one particular community?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): They are sure to know it. But others may know or may not.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): If you take modern civilised society into consideration as it is obtaining in India, a Mahomedan Judge is called upon to adjudicate on a question involving an intricate case of Hindu law. A Hindu Judge

[Rao Bahadur K. A. Krishna Aiyangar.]

is called upon to adjudicate a very complicated question of succession and administration of trust appertaining to the Mahomedan community. The number of matrimonial cases that the courts in Travancore will be called upon to decide will be very small compared to the number of suits in which the interests of Nayar tarwads are being involved and which are being tried from day to day in our courts. No doubt the bulk of the suits that are filed in the courts relate to the disagreement and misunderstanding among the members of the Nayar community. All these questions are now being tried by a Judge. If the Judge is ignorant of law, that would not be a serious disqualification to proceed with the trial, because, to say that a Judge does not know law is not defamatory, but to say that a vakil does not know law is really defamatory. The Judge comes there with an open mind. There are the members of the Bar to place before him the different aspects of the question involved. After all, what are the complexities involved in the disposal of matrimonial cases? There is the delicate question of adultery. Now, in a more serious manner, that question has to be tackled by the Sessions Judge. As my friend pointed out, there is the question of cruelty, incurable disease, insanity, etc. Now these are the simple questions that a Munsiff may perfectly try, and if the decision of the Munsiff is incorrect in the judgment of one of the parties, the law provides for a regular appeal. According to the position that is put forward by my friends, we introduce a new species of tribunals in Travancore for the first time under which all questions of facts shall be conclusively decided by the verdict of the jury or the assessors or delegates as the case may be. Is the country prepared to accept the decision with reference to the guilt or otherwise of the accused party come to by the jury? Where the consequences are much more serious than the questions of real guilt of the man and the compensation to be decreed—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether Mr. Krishna Aiyangar is aware that there is now an attempt in the Village Panchayat Bill to introduce local bodies as judicial officers?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That is a perfectly sound position. They propose to introduce in addition to the existing judicial officers a body of people who are to do work as Judges. That is fundamentally different. If my friends say that all matrimonial cases should be investigated not by one judicial officer but by a number of judicial officers—a division bench—or that two Munsiffs should try matrimonial cases—that is a perfectly intelligent proposition. To say that five people who are judicial officers should investigate matrimonial cases is reasonable. But it is an anamolous position that they want this Council to commit itself to. There is a judicial officer holding the balance even between the parties. He is supposed to do it and he will be making an honest attempt in that direction. If due to ignorance or incapacity he should go wrong there is the Bar to keep him in position, and if in spite of the help from

enlightened and intelligent vakils he still goes wrong, there is the appellate tribunal to rectify the wrong. My objection to the introduction of that provision is based on a very important principle. When once the legislature recognises the desirability of introducing a system of trial by jury in a very small number of cases there is no knowing where we shall be landed. You require the members of the particular community to determine that question in a case where larger interests are at stake and where communalism is likely to deflect the course. A Mahomedan might say: "Well Sir, I want my case to be tried by a Mahomedan Judge," and a Hindu may come forward and tell us that his case should be posted before a Hindu Judge. It is a question of Hindu Law which a Mahomedan is certainly not competent or able to decide.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Women may not be willing to give details of certain things to men. On the other hand there will be no objection to them to make a statement to women. So the amendment provides for the appointment of a few women also. For that reason, is not Mr. Krishna Aiyangar prepared to accept the amendment?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think the Trivandrum Women's College is turning out a lot of lady graduates. It will be good if our graduate sisters appear in courts of law and argue the cases of ladies, not merely of the Nayar community but of ladies generally. (*Hear, hear.*) But at present they may be labouring under certain difficulties. The day will not be very far off when they shall be sitting in courts of law arguing in our midst and utilising all the resources at their disposal for winning their clients' case. Their presence may go a very long way to tone down the gloomy atmosphere of a court of law. I should welcome that day if we must solve that difficulty.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know what Mr. Krishna Aiyangar's alternative proposal is?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Just the solution which the other communities who are inhabiting this country have to accept as the final solution. It is undesirable, Sir, as a matter of principle—I am sure that my Nayar friends are not going to misunderstand me—to enact that Section leading to the implication that they have not got faith in the independence and impartiality of the judiciary. The consequences can never be so serious as to justify a statutory recognition of the proposition that one community has not got faith in the capacity, in the integrity and the impartiality of the judicial officers. When once that impression takes root, as a sincere lover of the land, I should say that will be the worst day in the history of Travancore.

MR. A. HOOGEWERF (*Nominated*): May I know whether Mr. Krishna Aiyangar has got any objection to the members of other communities constituting the jury?

[Rao Bahadur K. A. Krishna Aiyangar.]

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I object to the introduction of a trial by jury whatever may be the composition of the jury. It is only by an accident that my friend has put in that provision. I perfectly follow his position. I do not charge him with any bias against the representatives of other communities. But there would be the implication. It was his misfortune to go to the Parsi Divorce Act and naturally to substitute the word 'Nayars' in the place of the word 'Parsis.' That was all. But what are the implications to which we are led? We have judicial officers functioning all over the land. Sir, it is true that we hear a lot in the Legislative Council and in the Sri Mulam Popular Assembly and in the columns of our vernacular papers about the principle of communal representation. But it is a matter for congratulation that we have not yet heard in Travancore that a Nayar Judge would not do justice to a Brahmin or that a Brahmin Judge is incapable of dealing justice to the representatives of other communities.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): It was not said that the members of other communities would not have integrity of purpose. What I said was that these Judges would receive considerable assistance from the members of the community when they were impanelled as a jury. That is what I stated.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Yes. The question is not what my friend put in express language but what the implication underlying it has been. That is the light in which I want this amendment to be considered by my friend. Personally I am not a believer in juries settling complicated questions of fact at all in the present state of the country. Perhaps I may be regarded as a reactionary. My friends are at liberty to differ from me. But it is a matter of conviction with me that, in the present stage of society, the country is not advanced for the introduction of trial by jury. Of course, it would have been more satisfactory if the trial in the first instance arose in the District Court. The remedy will be to allow a second appeal even on a question of fact. In that way lies the solution of the difficulties that are apprehended by my friend. I myself do not believe that the dire consequence apprehended by my friend will ensue as a result of not making the provision that has now been placed before the House. I do not want this Council to commit itself to such a doubtful proposition; for I think that it may seriously prejudice if not jeopardise the administration of justice when we once recognise the necessity of introducing communal juries.

With reference to the observations of Mr. Ramakrishna Pillai, he read out certain portions from the report of the Malabar Nayar Commission. I am at one with the suggestion in that report that in those cases a jury probably comprised of members of that community will be able to dispose of such cases more satisfactorily than a single Judge. The Civil Procedure Code does not stand in the way of the petitioner or the counter-petitioner asking the court to refer the case to a Panchayat

consisting of five individuals named by the petitioners themselves. The Civil Procedure Code provides for references by arbitration at the instance of the parties concerned. For the moment we will ignore the fact of other communities having marital relations with Nayars. For the present we will just assume that the petitioner is a Nayar or the respondent is a Nayar. In such a case, do my friends believe that their interests will be best served by a communal Panchayat? The party has only to ask the court to refer it to a body of intelligent, respectable and enlightened men undertaking to abide by the award. The law does not prevent them from doing so. I say it is a perfectly open remedy. In that way we can avoid communal misunderstandings. The appointment of a number of arbitrators at the specific request of the parties is the proper remedy.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I have a rough number or percentage of the cases that have been decided by a reference to arbitration, in my friend's experience?

RAO BAHADUR K.A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Unfortunately it is very small in number. My experience is that in the majority of cases people seem to have a greater confidence in the ultimate decision of the judiciary than in the decision of the arbitrators that they select. Is that the fault of the legislature? The Civil Procedure Code has provided a panel for the disposal of questions of this particular type. In connection with this, there was an observation that such cases need not be tried in public. I believe, in the larger interests, that dirty linen should not be allowed to be washed in public. I am not a believer in the theory of a deterrent effect by the exposing of the depravity and the defects of human nature. I have all along been against the publication of these divorce court proceedings in the newspapers of the country. That has nothing to do with the introduction of this trial by a body of delegates to be appointed by the court. Sir, at this stage, I do not go into the question of the composition of the delegates, and I am just saying that, even if it was to consist of the Brahmin, the Nambudiri and the Koil Tampuran and all the rest of it, I would object to it. In fact, the moral effect of the introduction of that board would be the same and any amount of reference to the Parsi Divorce Act and its provisions will not be a justification for the introduction of the same in Travancore. For these reasons, I support the amendment.

MR. A. HOOGEWERF (*Nominated*): The provision, as it stands, seems to be harmless. But if Parsis can have members of their own community to help them in deciding matrimonial cases for divorce and other things, I do not exactly see the opposition to the Nayars also having a similar system.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): A little louder please.

MR. A. HOOGEWERF (*Nominated*): Now, the whole finding in the matter seems to be the implication in the speeches made by the mover of the amendment and those who supported him, that Magistrates

[Mr. Joseph Panjikaran.]

and Munsiffs are incompetent to try such cases. Mr. Velu Pillai brought forward examples of a Munsiff who belonged to South Travancore not being able to understand the language in North Travancore.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): No, I did not say that.

PRESIDENT: Mr. Narayana Pillai said that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I said that.

MR. A. HOOGEWERF (*Nominated*): Yes; I beg your pardon. He said that the Munsiff could not understand the lingo. Now, I think, that is a very far-fetched specimen. Everybody in South Travancore understands Malayalam as well as any man in North Travancore. He might have his own way of talking it. Some syllables may be longer than those used in North Travancore and some may be shorter. But they learnt their Malayalam in the classes and I think it is asking us too much to believe that a Vellala Munsiff or a Brahmin Munsiff does not understand the ways and customs of the Nayar community in North Travancore. That, I think, is too big a pill to swallow. Such an implication in the speeches has given rise to the protest made by Mr. Krishna Aiyangar. There is the Regulation. There are independent vakils on both sides to explain everything. These were his arguments. But I am in agreement with the provision that ladies and gentlemen may be required to help in the disposal of such cases.

MR. JOSEPH PANJIKARAN (*Shertallai*): I oppose the amendment proposed by Mr. Subba Aiyar. I have been listening to the arguments advanced by Mr. Subba Aiyar and then by Mr. Krishna Aiyangar. The arguments of my friend Mr. Subba Aiyar have been answered by my friend Mr. Narayana Pillai.

PRESIDENT: A little louder please.

MR. JOSEPH PANJIKARAN (*Shertallai*): So far as my friend Mr. Krishna Aiyangar's argument is concerned, the most important point that he urged for the attention of the House, so far as I have been able to understand, is that, if jurymen were required to help in such cases, it would be opening upon this country the flood-gates of jury system trials. In British India we have the jury system trial. In England we have trial by jury, and why not an experiment of this kind in a particular affair be tried here also? I am also of opinion that this is not a matter to be decided from a technical and academic point of view. It is a matter of sentiment. The Nayar community, in trying to adopt a divorce law, does not want that their inner life and the secrets of the bed chamber should be exposed to persons who do not belong to their community. I think that they are justified in that view. It is a matter to be viewed more from the sentimental stand point than from the academical and legal stand point and as such the objection of Mr. Subba Aiyar must fall to the ground.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, when I moved my amendment I thought I did make it perfectly clear that I did not oppose the amendment on the ground that the Parsi Act is old. I did not distinctly say that it was an old Act and on that ground the provision therein should not be ignored. But what I stated was that the Parsis are very few in number. My friend asked me what the population was. It must be below a lakh, much smaller than the Nayars. That is all that I can say in the matter. In those days it was evidently thought that their customs and manners could not be understood by Europeans and it was, therefore, that such a procedure was put in. My friend suggested that it might have been deleted by the Amending Act. Once you give a privilege or a power or whatever it might be, it is rather difficult to ignore it. Further, I had distinctly stated that in the 1869 Act which relates to the divorce of Christians there was absolutely no necessity for the empanelling of the jury, and although Mr. Hoogewerf supported, he must know that, in the case of divorce proceedings among Chirstians, there are no Chirstian jurymen to assist the Judge or the High Court as the case may be.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My I know from Mr. Subba Aiyar how many divorce proceedings have taken place between Christians for the last five years?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am aware of one case and that case was not tried by a jury. (*Laughter.*) Will my friend Mr. Narayana Pillai tell me how many proceedings there were among Nayars on that ground?

PRESIDENT: You cannot put him a question.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I beg your pardon. But, all the same, it was only a case which came up before a court very many years ago and that divorce case was not decided by jurymen. All the same—

MR. A. HOOGEWERF (*Nominated*): May I know whether Mr. Subba Aiyar is aware of the fact that among Catholics there is no divorce at all?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I think that Christians consist of Catholics and other denominations also, so that my remarks should not be understood to mean only with reference to Catholics.

So that, it was on that ground that in 1869 that another Divorce Act was passed. It was understood that there was no necessity for a jury. That being the case, I thought that, so far as Travancore is concerned, there was no necessity particularly for—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I inform Mr. Subba Aiyar that the number of Parsis is more than a million—nearly two millions?

[President.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not exactly know the number. But I say that, compared with the total population, it seems to me very small. My point was that when we granted that the case was triable by a Munsiff, it presupposesd that there were not very many complications in the matter. Secondly, the question as to the appreciation of evidence need not necessarily come before a jury, because, as I said, in much more important cases there is no such jury to assist and I am also supported by another circumstance, *viz.*, that, in the Criminal Procedure Code, when trial by jury was sought to be introduced, there was such a loud protest that the Government had to withdraw the whole Clause.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How many years ago, please?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Ten or eleven years ago.

So, taking all these circumstances into consideration, seeing that for a more important thing there is no such provision, and taking also into consideration the other circumstance, *viz.*, that, however much Mr. Narayana Pillai may protest that South Travancoreans do not know the customs and manners of North Travancoreans, the habits are so unfamiliar to the persons living in Travancore or the officers constituting the judiciary, I do not believe that there will be any miscarriage of justice, especially when we provide for an appeal. I do not think that such a provision as is contained in sub-clause (8) is necessary. I have got nothing else to add and I believe that to put the sub-clause in this Regulation will be not in strict conformity with acceptable principles.

MR. A. HOOGEWERF (*Nominated*): Is trial by jury right or wrong?

PRESIDENT: Abstract questions are not allowed.

Mr. Subba Aiyar, do you press this amendment to the vote of the House?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

PRESIDENT: I will now put Mr. Subba Aiyar's amendment to the vote of the House that sub-clause 8 of Clause 8 be deleted.

The amendment was put to the vote and lost.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): My amendment is to add the following at the end of the Clause—

RAO BHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Have we got the liberty of moving amendments to the main clause instead of the proviso?

PRESIDENT: Yes.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Add at the end of the clause the following :—

"*and the decision on the facts shall be the decision of the majority—*"

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask Mr. Ramakrishna Pillai to tell us whether the facts that he contemplates these delegates to settle relate to the grounds on which the divorce is sought for and also to the question of compensation?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Everything, including divorce, compensation and allowance.

PRESIDENT: All questions of fact.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*):

"*—The majority of the delegates before whom the trial is held, questions of law and procedure alone being determined by the presiding Munsiff.*"

I have submitted my explanation with regard to the clause in opposing the amendment put forward by Mr. Subba Aiyar and I have very little to add to the proposal now made before the House. My object is to make definite provision with regard to the functions of the delegates in aiding the enquiry. The question whether delegates should be appointed or not to enquire into the facts of the case was the subject of controversy with reference to the discussion on the previous amendment and a serious and unexpected view was taken of the provision now contained in this Clause. As Mr. P. K. Narayana Pillai pointed out, the object of the Clause itself is to make the divorce law acceptable to the community. And as Mr. Panjikaran said, it is a mere matter of sentiment. There is absolutely nothing underlying the provision to suggest that the decision of the District Munsiff or of the Judges of the land is not acceptable to the people concerned. It is not because the community, does not rely upon the soundness of the decision of the District Judge or of the District Munsiff, but it is simply because there is a sentiment prevalent that the divorce law itself is rather too much for the community and it is to mitigate the rigours of that law that this clause, *viz.*, that questions of fact should be left entirely to the decision of the delegates to be chosen from the community, is introduced. It is on this ground alone that I think the Clause might be allowed to find a place in the Section. For these reasons I submit that the Clause with the amendment may be accepted by the House.

PRESIDENT: Do you propose this addition to the clause?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Yes.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I accept it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have got a word to say on that matter. Of course the retention of the provision has been accepted. But the proposed amendment of Mr. Ramakrishna Pillai wants that the delegates should also determine the

[President.]

amount of compensation. That I think is rather not within the province of the jury anywhere. They come to an opinion as to wether the marriage shall be dissolved or not. The amount of compensation is always a matter to be decided by the court and not by the jury. I put it in as a mere matter of suggestion to my friend whether he will not find it possible to withdraw that portion of it and merely state that the function of the jury will be to decide upon the grounds for dissolution and not upon the amount of compensation.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Subba Aiyar is prepared to propose it formally?

MR V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): No, for I do not want it to be said again that it is a matter of sentiment of the community. It was therefore that I suggested it to Mr. Ramakrishna Pillai.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I accept that proposal.

PRESIDENT: Then you will have to correct the wording of your amendment and see if the House accepts it.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): The amendment will read as follows:—

"*and the decision on the facts in respect of the grounds for dissolution shall be the decision of the majority.*

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know what according to him must be the function of the Munsiff?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): To apply the law.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is he to sum up?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes.

PRESIDENT: The amendment reads like this:

Add at the end of the clause the words "and the decision on the facts in respect of the grounds for dissolution shall be the decision of the majority of the delegates before whom the trial is held"—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Ramakrishna Pillai agrees to the insertion of the words "the final decision?"

PRESIDENT: The decision is appealable.

Further the amendment runs thus:—

"*questions of law and procedure alone being determined by the presiding Munsff*",

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): There is another amendment to be made in this—"questions of law and procedure alone as regards the grounds for dissolution."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I would suggest to my friend that, once we accept the amendment, consequential amendments are necessary, *viz*., as to what exactly should be the procedure to be followed by the Munsiff. For, he has to follow the provisions of the Civil Procedure Code which does not contemplate any jury. Also we have to know what the functions of the Munsiff and the jury should be. So that it will be safer to add a provision: "provided that it will be competent to the Government to frame the necessary procedure to be followed in such cases and the functions of the judge and jury in the matter." If such a thing is done the necessary details may be left to the Government.

MR. C. SANKARA MENON (*Quilon*): I want to move an amendment with regard to the procedure to be observed.

PRESIDENT: You may make a suggestion. We are not moving formal amendments now as such.

MR. C. SANKARA MENON (*Quilon*): Instead of the words "Government appointing persons—" insert the words—

"And the Government shall frame rules for the appointment of persons within the jurisdiction of the judge as delegates to try the enquiries and to define their functions and the procedure to be observed at such enquiries and trials."

PRESIDENT: That is a different thing. The existing amendment is that Government should frame rules for the appointment of delegates, to define their functions and the procedure to be observed at such enquiries and trials. Are you going to leave the rules to be framed by the Government? You must define their functions in the Statute.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Their functions have now been defined by the amendment.

PRESIDENT: Mr. Sankara Menon wants a change which cannot be made.

MR. C. SANKARA MENON (*Quilon*): With regard to the procedure, the Civil Procedure Code does not provide for trials with assessors.

PRESIDENT: A sentence will have to be added at the end.

MR. C. SANKARA MENON (*Quilon*): Instead of that I thought that the sentence might be altered, which would be better.

PRESIDENT: How will you alter it? Will you kindly state your idea?

MR. C. SANKARA MENON (*Quilon*): The Government shall frame the rules for the appointment of persons within the jurisdiction of the Judge or the District Munsiff making the enquiries under this Chapter and also to define their functions and the procedure to be observed at such enquiries or trials.

[Rao Bahadur K. A. Krishna Aiyangar.]

PRESIDENT: There is an earlier suggestion of Mr. Subba Aiyar that a sentence may be added at the end. Me. Sankara Menon's suggestion is about the beginning of the Clause.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): We may say: "The Government may also frame rules with reference to the procedure to be followed by the court and empanelling the delegates"—

PRESIDENT: I think that we may go on with other amendments and then we may dispose of all those amendments and finally the wording of the Clause as a whole may be examined and a suitable wording adopted.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I beg to submit for the consideration of my friend the mover the undesirability of confining the delegates to Nayars. Probably here again my friend has simply copied the provisions of the Parsi Divorce Act. As a matter of fact, between Nayars and non-Nayars, there may not be the very same justification as in cases where the petitioner, respondent, co-respondent and the other members happen to be of a particular community. Would it not be more satisfactory to leave it to the discretion of the Government to select these delegates instead of making a statutory order restricting it to Nayars? If my friends think that that word should be retained, I would suggest for the consideration of the House the desirability of confining that panchayat to cases where the petitioner, respondent and co-respondent are Nayars. One can think of cases in which the respondent, co-respondent and petitioner are members of that community. As the law stands at present, it is a question for consideration whether it is desirable to insist on the retention of the word "Nayars" and whether it would not be more satisfactory to leave it to the discretion of the Government to select those who are to act as delegates.

PRESIDENT: What is the definite amendment that you would propose?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*):

Omit the words '*the persons so appointed shall be Nayars*'.

MR. K. PARAMESVARAN PILLAI *Tiruvalla*): I rise to a point of order. I believe that the House has now accepted the amendment of Mr. Narayana Pillai to the effect that "the Government shall, in accordance with rules to be framed, appoint the persons within the jurisdiction of each District Munsiff to be delegates to aid in an enquiry, under this Chapter. The persons so appointed shall be Nayars, males or females, and their names shall be published in the *Government Gazette*. The delegates to aid in an enquiry shall be selected by the court in rotation from the delegates appointed for each court."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) *Deputy President*): No; that has not been placed before the House at all. Mr. Subba Aiyar's amendment to delete it was thrown out. If I am required

to bring a definite amendment, it will be: 'The Government shall, in accordance with rules to be framed, appoint persons within the jurisdiction of each District Munsiff, to be delegates, to aid in an enquiry under this Chapter. *Their names shall be published in the Government Gazette.* The delegates to aid in an enquiry shall be selected by the Court in rotation from the delegates appointed for each court.'

PRESIDENT: May I suggest that it be put in another way—'The persons so appointed shall be only Nayars in case where the petitioner, respondent, and co-respondent are Nayars?'

I would say, "*the names of persons appointed*, whether males or females, shall be published in the *Government Gazette.*' That is the section. You need not interfere with it. If the amendment relates to the second sentence, then it will be the duty of the Government to put on the list only Nayars in case where all the parties are not Nayars.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): "*The delegates so appointed shall be Nayars in case where all the parties to the enquiry are Nayars.*" That is my amendment.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I wish to know whether non-Nayar ladies will be willing to sit in open court.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Instead of asking me to give a definite answer, I leave the whole thing to the Government. I am not putting forward any proposition. I cannot answer on behalf of a large community. But we shall have them if it is possible to secure the co-operation of ladies. In view of the expression of opinion that I had already given, I would confine these delegates to the Nayar community when all the parties to the enquiry are Nayars.

PRESIDENT: What are the words that you add?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): "Where all the parties to the enquiry are Nayars, the persons so appointed as delegates shall be Nayars." These are the words to be added at the beginning of the second sentence of sub-clause (8).

There is another small error. My attention has been drawn to it. The first sentence deals with the appointment of delegates by the Government. The final selection is left to the court. Probably it is there that necessity will be felt for exclusion. So the clause runs thus:—

"The Government shall, in accordance with rules to be framed appoint persons within the jurisdiction of each District Munsiff, to be delegates to aid in an enquiry under this Chapter. Where all the parties to the enquiry are Nayars the persons so appointed as delegates shall be Nayars and their names shall be published in the *Government Gazette.* The delegates to aid in an enquiry shall be selected by the court in rotation from the delegates appointed for each court *and in case where all the parties are Nayars the delegates shall all be Nayars.*"

MR. C. SANKARA MENON (*Quilon*): I wish to know what exactly is his implication in this amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The implication is that this enquiry will not be restricted to Nayars where other parties come in.

[Mr. A. Hoogewerf.]

MR. C. SANKARA MENON (*Quilon*): Is that the only one?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): So far as I am concerned that is the only implication. I am keeping nothing on the back of my mind. It will look awkward that a legislature should pass a measure restricting delegates to a particular community when probably one of the parties is a Nayar and the other a non-Nayar.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I second it.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I oppose the amendment for this reason. The women who will be concerned in these cases are Nayar women, and as my friend Mr. Joseph Panjikaran put it pointedly before the House, it is in deference to the sentiments of the Nayar Community that this House generously passed the previous amendment. Now, questions of absolute justice and equity will arise if the discussion is carried on on its own merits. As this House, the members jointly and severally, have generously accepted the position that the sentiments of the Nayar community should be respected, and considering the fact that it is only Nayar women that will be parties to such cases and that non-Nayar women cannot be parties, I trust that my friends belonging to communities other than the Nayar community will accept the suggestion, because, after all, it is all due to the honour to womanhood. Other questions do not arise, and I trust these arguments will not be availed of by the members who are prepared to respect the sentiments of the Nayar community.

MR. JOSEPH PANJIKARAN (*Shertallai*): I wish to know whether there is any case in which any woman shall be figuring as a party except a Nayar woman.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): She may come in as a petitioner and attribute adultery to her husband and it might be alleged that adultery was committed with a non-Nayar woman.

MR. JOSEPH PANJIKARAN (*Shertallai*): I will explain the position. The Nayar wife of a Brahmin puts in a petition for the dissolution of marriage on the ground of adultery of her husband. It may be that the Brahmin husband might have committed adultery not only with the Nayar woman but with the women of other communities. In this case the non-Nayar woman has to figure as a co-respondent.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Seeing that the old expression in the Clause has been deleted and that no woman need be brought on record as co-respondent, that question has to be answered in the way in which it will satisfy Mr. Joseph Panjikaran. I say that such instances will not arise.

MR. A. HOOGEWERF (*Nominated*): I think Mr. Krishna Aiyangar's objection is absolutely reasonable. The former provision was

passed and I have voted for it. It was on a communal basis. And now, when the husband is a Brahmin and the wife a Nayar, I think the principle of give and take must be accepted and the Brahmin must have an opportunity of expressing his view on the question. It must not be absolutely the Nayar view that should be represented there. If you want to introduce communal view in that case, you must introduce it here also. Therefore I support Mr. Krishna Aiyangar.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There is only one argument to which I may make a passing reference, namely, the argument put forward by Mr. T. K. Velu Pillai on the ground of chivalry. I shall not be considered to be lacking in chivalry if I press my amendment to the vote. No doubt, as he put it, in view of the amendment that has already been adopted only one could be *pro forma party*. The other party must be either a Nayar or a male representative of some other community. It is open to that identical Nayar lady to come forward as a petitioner imputing misconduct to the respondent in company with a woman of some other community. It is not a case where it could be said jurymen only will be able to answer the question satisfactorily. If, as they say, they know thoroughly well the ins and outs of the life in the Nayar *tarwad*, they will probably be better judges when the charge of adultery is with regard to a member of the Nayar community itself. I may say that they may be absolutely incompetent to determine the correctness or otherwise in an allegation attributing misconduct to the husband in company with a woman of some other community. The non-Nayar woman in such a case is the co-respondent though not actually brought on record.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I wish to know from Mr. Krishna Aiyangar whether such a contingency is not possible under the Parsi Marriage and Divorce Act.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): If my friend Mr. Narayana Pillai seems to think that the whole controversy is to be settled from start to finish with the help of the Parsi Regulation, I must say: "By all means, let him have it." But I am not prepared to refer to a parallel legislation in other countries as a means of guidance though I am not for excluding it. The Parsi Regulation does not contemplate the marriage of a Parsi with a non-Parsi. My friend forgets that. That is the fundamental difference.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I shall only put a question. I have my personal explanation for it. He drew an argument that a stranger to the community may also be implicated. Such a contingency, I say, arises under the Parsi Act also. Why does he avoid that aspect?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The Parsi Regulation distinctly contemplates sexual union only between Parsis while the Nayar Regulation contemplates union between Nayars and certain representatives of the Hindu community. We are not to be guided by analogy in such matters.

[Rao Bahadur K. A Krishna Aiyangar.]

If a Nayar has got the capacity to determine correctly the state of things obtaining in the inner bed chamber in Nayar households, from that very fact I say that they will be incompetent to judge the state of things obtaining in the bed chamber of some other community. So it will be unfair for us to say that they shall be the sole and the only correct judges to form correct conclusions on matters affecting other communities as well. I simply point out the basis of reasoning supporting my amendment. I am just bringing to the notice of the Council the other special reasons also, such as the principle of give and take spoken of by my friend Mr. Hoogewerf. One side is absolutely protected, namely, the case where the parties are exclusively Nayars. But there is the other side also. There is the incapacity of Nayar delegates to judge the state of things with reference to other communities. Is it their idea that all except Nayars are incompetent and that only Nayars are competent to judge the real state of things with reference to other communities also? I do not think that position will be seriously taken up. I just say that, consistent with the principles taken up, they may make a similar concession to other parties that come before the court. It is not enough if the delegates are honest; they should be above suspicion also. I am merely putting the question to this House, whether this House believes that the Parsi Regulation is the last word on the subject. I am inclined to think that the progress of ideas in all societies will certainly justify a more generous departure from the Parsi Regulation. I therefore press my amendment to the vote.

PRESIDENT: Mr. Krishna Aiyangar's amendment runs as follows:—

"The Government shall, in accordance with rules to be framed, appoint persons within the jurisdiction of each District Munsiff to be delegates to aid in an enquiry under this Chapter. Where all the parties to the enquiry are Nayars the persons so appointed as delegates shall be Nayars and their names shall be published in the *Government Gazette*. The delegates to aid in an enquiry shall be selected by the court in rotation from the delegates appointed for each court and in case where all the parties are Nayars the delegates shall all be Nayars."

The amendment was then put to the vote and lost, 18 voting *for* and 24 *against*.

Mr. N. Ramakrishna Pillai's amendment, running as follows, was then put and carried:

"*and the decision on the facts in respect of the grounds for dissolution shall be the decision of the majority of the delegates before whom the trial is held, questions of law and procedure alone being determined by the presiding Munsiff.*"

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Probably another question that may arise is whether it is desirable to give the parties the power of challenging delegates selected by the court itself. Out of a large number of delegates that may be appointed by the Government and attached to a particular court discretion is given to the judge to make the selection. Therefore there is no provision for challenging.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): With respect to the query I may satisfy my friend at once. The Parsi Marriage and Divorce Act itself does not lay down that there is right in a party to challenge the jury or delegates. All the same, I will refer my friend to the decision reported in 43 *Indian Cases*, page 71, where the court observes that the right of challenge is available to any party with respect to any delegate before the proceedings are started and, as such, there is no difficulty. So there is no provision in the Bill with reference to—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Is there any serious objection to giving the right of challenge?

MR P. K. NARAYANA PILLAI (*Ambalapuzha*): Absolutely no objection, but only the right of challenge must be exercised as early as possible and it is available to any party. The rules also are to be framed by the Government.

PRESIDENT: The amendments to be moved with reference to this sub-clause have been exhausted. The wording of the sub-clause seems to be very important

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am prepared to accept Mr. Subba Aiyar's suggestion as regards the draft of the Clause empowering Government to frame rules.

PRESIDENT: I would request some member to move another amendment to give the Government the power to frame rules. The amendment must be formally moved in regard to that also.

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): I would suggest that the High Court may frame rules to regulate the procedure under this Section.

PRESIDENT: Do you move it as an amendment?

MR. S. KRISHNA AIYAR (*Mavelikara* cum *Kartikapalli*): No, it is only a suggestion.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): "Government may also frame rules prescribing the procedure to be followed under this Chapter."

MR V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not know whether that will quite do. We have the provision that the Civil Procedure Code shall apply. For what particular purposes the rules may be framed must be stated in detail.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It must be said that the rules to be framed may supplement the provisions of the Civil Procedure Code because the provisions of the Civil Procedure Code will be generally the law. Supplemental rules may be made.

PRESIDENT: I am afraid you will have to think over it before you go on.

[President.]

The Council adjourned for lunch at 2-10 P. M. and re-assembled at 3-8 P. M.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have an amendment ready, and if the House has no objection, it may be adopted. I propose that the existing section be marked as sub-clause (1) and the following be added as (2):

"Government may also frame rules—

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It will have to be marked as (1) (ii).

PRESIDENT: The existing sub-clause may be marked (*a*) and Mr. Subba Aiyar's amendment as (*b*).

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, Sir. The following may be added as sub-clause (8) (*b*):—

" *Government may also frame rules providing for—*

the qualification of the delegates,

the number of delegates required for each trial,

the choosing of the delegates,

the duties of the Munsiffs and of the delegates other than those specifically provide for,

the procedure to be followed in case of differenec of opinion among the delegates,

the interference by the High Court with the verdict of the delegates.

and generally for the purpose of giving effect to the provisions of paragraph (a) of this sub-section"

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*) I would substitute 'selection' for 'choosing.'

MR. V. SUBBA AIYAR (*Additional Head Sirkr Vakil*): I put it like that because in the Criminal Procedure Code the selection of the jury is spoken of as 'choosing of the jury.'

MR. P K. NARAYANA PILLAI (*Ambalapuzha*): I am thankful to Mr. Subba Aiyar and I accept his amendment.

The amendment was put to the vote of the House and accepted *nem con.*

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): If it will not be out of order, I would suggest a small alteration to sub-clause (5).

PRESIDENT: It has not yet come up for discussion. Sub-clauses (4), (5), (6) and (7) are standing over. We have to go back to them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We may now consider the whole of sub-clause (4).

PRESIDENT: We now come to sub-clause (4) It reads thus:—

"Subject to the Code of Civil Procedure and the Limitation Regulation applicable to appeals from original decrees, an appeal shall lie to the High Court at the instance of any aggrieved party from any decision of the District Munsiff relating to dissolution, or award or both, except when it relates exclusively to the costs; and when an appeal is preferred, court fee shall be levied on the value of the subject matter in appeal under the Court Fees Regulation."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I would also add 'and of the rules framed under sub-section (8).'

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I accept the amendment.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I have to move an amendment.

PRESIDENT: Does the House accept Mr. Subba Aiyar's amendment, *viz.*, the words 'and of the rules framed under sub-section (8)' to be added to sub-section (4)?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is to be added after the words 'Civil Procedure Code' in sub-section (4).

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The word 'and' may be added subsequently. 'Rules framed under sub-section (8) and the Limitation Regulation' will do.

The amendment that the words 'rules framed under sub-section (8)' be added between the words 'Procedure' and 'and' in line 1 of sub-clause (4) of Clause 8 was then put to the vote of the House and carried *nem con.*

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Consequent on the amendment with regard to sub-clause (8) I propose another amendment. According to the amendment to sub-clause (8) questions of facts will be decided by the delegates. I should like to move a proviso. It is this:

> "*Provided that an appeal shall lie from the decision regarding dissolution only when it is contrary to some law or usage having the force of law or on substantial error or defect in the procedure or investigation in the case which may have produced an error or defect in the decision and on no other grounds*"

PRESIDENT: The Section already reads thus:—

> "An appeal shall lie to the High Court at the instance of any aggrieved party from any decision of the District Munsiff..............."

In addition you propose to add a proviso?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*):

The proviso that I want to add is not inconsistent with the Section. My proviso is as follows:—

> "Provided that an appeal from a decree for dissolution shall lie only on the ground of the decision being contrary to some law or usage having the force of law or of substantial error or defect in the procedure or investigation of the case which may have produced an error or defect in the decision and on no other grounds."

With respect to the decree for dissolution it was provided that the question of fact would be decided by the delegates and that the question of law or procedure alone need be considered by the Munsiff. My amendment provides that an appeal with respect to it shall lie only in case there is an error of law or of procedure.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What about the compensation?

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): With regard to compensation the whole question of law and of fact should be

[Mr. K. Paramesvaran Pillai.]

decided by the appellate court. My amendment is consequent upon the accepted amendment with regard to sub-clause (8). According to that amendment it is provided that the delegates should decide questions of fact, and the judges, only questions of law or procedure. Naturally an appeal will lie only with regard to questions of law and procedure.

MR. M. N. PILLAI (*Trivandrum*): I second it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With reference to that amendment I may say that we have just now provided for interference by the High Court with the verdict of the delegates, if the verdict is not in accordance with law or usage having the force of law or if there is any failure of justice consequent upon any material irregularity or any such thing. Therefore, I do not think it necessary to provide specifically for the purpose. The words 'relating to dissolution, or award or both' may be deleted. 'An appeal shall lie......... ....against any order of the Munsiff, : I believe, that will serve the purpose. We have empowered the Government to frame rules. In other words, the High Court which exercises revisional powers in all civil and criminal suits will have the power to interfere in these cases also.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): I wish to know whether the appellate jurisdiction of the High Court may be interfered with by rules.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is only under circumstances of error and failure of justice and such other circumstances that the High Court has got the power to interfere. It is seen that, even as it is, an appeal shall lie to the High Court.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Can we entrust the Government with the power of defining the circumstances under which the High Court shall interfere with the decision of the lower court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The amendment that has been passed provides for such appeal in case of failure of justice or any other error.

PRESIDENT: You have just moved an amendment empowering the Government to frame rules with regard to interference by the High Court with the verdict of the delegates.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is in regard to the interference of the High Court in regard to the decision of the delegates. Now, in regard to an appeal from the decision of the Munsiff I do not think it would be proper to invest the Government with the power of making rules under what circumstances the High Court should interfere in any judicial matters. It is, therefore, neces sary that in this enactment itself we should provide the circumstances under which the decision of a lower court may be set aside on reference

to the High Court. Whether on matters of fact or of law, the High Court alone shall interfere with the judgment of a Munsiff. It is, I submit, a matter for the House to decide and that power cannot be delegated to the Government.

PRESIDENT: According to the amendment to sub-clause (8) that has already been passed, the Government have been empowered to frame rules regarding the circumstances under which the High Court should interfere with the verdict of the delegates.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is entirely revisional.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There are direct appeals. In such cases, whether the High Court is to interfere in a question of fact or whether it should be confined to cases of erroneous decision or of procedure, that is a matter which we must decide here and not by the Government by the rules which are to be framed.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I thought that the verdict of the delegates should be accepted by the court and that the court had no voice in the matter. For, if the verdict of the court is final, it is only under certain specified circumstances that it would be open to the party to appeal to the High Court to set aside the verdict. Such circumstances are specified in the provision for the rules to be framed by Government under sub-section (8). Even at present, it is only under certain circumstances that a party can prefer an appeal against the decision of the Munsiff. So no specific provision is necessary for the purpose.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I draw the attention of Mr. Subba Aiyar to the fact that the Government have been given the power to frame rules only for the purpose of directing the procedure in such suits and that a special provision has to be made in regard to the preferring of appeals to the High Court?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Even if the rules are framed they cannot be expected to be exhaustive. It was practically agreed to by the House that Government should have the power to frame rules in respect of these matters. If we mean providing a separate Section for each contingency we shall have to insert so many Sections. The power of appeal is there. The only question is as to the circumstances under which one can prefer an appeal.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know from Mr. Subba Aiyar whether it should not be specifically provided that there shall be an appeal from the decision of the lower court in regard to compensation.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, certainly. I only oppose the special proviso of Mr. Ramakrishna Pillai.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I think, Sir, that the right of appeal being the creature of the Statute, it is better that we include the right of appeal within the scope of the Bill. Therefore, I think Mr. Ramakrishna Pillai's amendment is acceptable. My friend's

[Mr. K. Paramesvaran Pillai.]

contention with respect to the power given to the Government relates only to the question of disturbing the verdict of the jury and not of the Munsiff. In the latter case it is necessary that the scope of the appeal must not be absolute and that the High Court should not be allowed to roam over the whole question of fact. It is for that purpose that a specific provision is required. I therefore think that it must be accepted.

MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): My submission is that the provision relates to the right of appeal and that, as such, it should not be left to the discretion of the Government. We do not say anywhere in the Clause that the verdict of the delegates is final. It is necessary therefore to define what exactly is the nature of the verdict given by the delegates, whether it is final or whether an appeal shall lie on the decision of the delegates. That question cannot be left to be governed by rules to be framed by the Government. It is ordinarily not so done anywhere, the question being a question of right. Under these circumstances, it is necessary that an amendment like this should be accepted. I have no objection to changing the wording of the amendment and making it shorter. That may be done. If there is any other suggestion, I am willing to adopt it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am just suggesting for my friend's consideration whether "provided that the order of the court below as regards dissolution shall not be varied by the High Court on the grounds of" etc., will not be sufficient.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the proper form.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I would suggest the following form:—

"No appeal shall lie against a decision of the District Munsiff relating to the dissolution of marriage except on the ground of the decision being contrary to some law or usage having the force of law, or of some"—

PRESIDENT: That is defective in grammar. It must be 'to."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is correct. He is only reading from the other Code.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): "or of some substantial error or defect in the procedure or investigation of the case, which may have produced error or defect in the decision of the case, and on no other ground."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): For the expression "relating to" I would suggest "in so far as it relates to."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It is only the language that was used in his previous amendment that I am now using.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There are two grounds and that is why I say "in so far as it relates to" is better. In so far as it relates to dissolution, it shall not relate to the other.

The amendment of Mr. K. Paramesvaran Pillai was put to the vote and carried.

PRESIDENT: We will now proceed to sub-clause (5). It reads as follows:

"(5) In so far as it awards payment of compensation or costs, an order of the District Munsiff or an order passed on appeal, shall, subject to the provisions of the Limitation Regulation regarding the execution of decrees, be executed as a decree."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have got an amendment to that Clause, which has been printed in the agenda. It is: Add the following at the end of sub-clause (5):

"*Provided, however, that an order of a Munsiff awarding compensation shall become executable only on payment of court fee on the sum adjudged.*"

Now my reason for putting in that amendment is that in the case of execution of decrees by the respondent he should be required to pay court fee. It was moved by Mr. P. T. Thomas that the respondent should be asked to pay court fee on any claim for compensation that may be made in the written statement. I did not speak either for or against that motion for the reason that the legislature has followed one definite course of assessing court fee on the compensation decreed. Mr. Narayana Pillai paid a compliment to the wisdom of the Legislature when it enacted the Nayar Regulation of 1088. I would appeal to him to remember that in discussing my amendment. Now, in the first place, the Nayar Regulation accepted this proviso and it was found necessary that before a respondent applied for execution of the decree as to compensation, the respondent should be asked to pay court fee on the decreed amount. That was the provision there. It was the provision in the Bill introduced by Mr. K. P. Raman Pillai. It was the provision that was found when Mr. Changanachery Paramesvaran Pillai submitted a Bill himself. And I do not see why that should be omitted by the Select Committee. I may, before considering some of the objections that were raised in the course of the discussion of Mr. P. T. Thomas's amendment, say that we have committed ourselves by enacting that, before an order of compensation is executed by a respondent, the respondent should pay court fee, when the House passed the Ezhava Bill through the second stage. So that, that has been accepted in the Ezhava Bill. The Ezhava respondent has to pay court fee. I have spoken so far as regards the policy of the legislature on the previous occasions. I do not see that any case has been made out for a departure in the case of the Nayar Regulation. Now in regard to the general principle of levy of court fee itself, it was suggested that court fee should be paid only on the claim of the plaintiff. Court fee will be paid on the claim of the plaintiff and the court will be satisfied with it, provided the decree is executed by the plaintiff. But whenever a defendant executes it—

[Rao Bahadur K. A. Krishna Aiyangar.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether there is any provision with respect to the payment of compensation in the Cochin Nayar Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I do not want Mr. Narayana Pillai to copy the Cochin Nayar Regulation when it suits him.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Let him answer, Sir, before he proceeds.

PRESIDENT: The answer is implied.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): When we copy the Cochin Regulation, we should copy it in every other matter and I say that that Bill was not introduced in this Council and it was not discussed and therefore that should not be adopted as a safe guide. Leaving alone that aspect, let us discuss it on the merits of the case. So far as our law is concerned we have committed ourselves to a definite policy. When the defendant wants to have a decree executed, he must pay court fee. During the discussion of Mr. Thomas's amendment, it was said that in a partition suit, or in a suit for accounts, when the defendant gets a decree, the court should realise the court fee when the party applies for execution. That is a point which distinctly supports my theory that the policy of the legislature is that court fee should be paid before the defendant applies for the execution of the decree. Then going to the other argument that in the case of improvements it is not done, I may at once say that in the case of mortgage suits there is a specific provision that court fee need be paid only on the mortgage amount. Though there was a difference of opinion as regards payment of court fee it was ultimately decided by the High Court in a full bench ruling that no court fee need be paid, but, all the same, the decree was that the plaintiffs do recover the property on payment of such and such an amount. The decree was not in favour of the defendant. In the case under consideration it is the respondent that applies for the execution of the decree and not the petitioner plaintiff. Whether we take the analogy of partition account or mortgage suits, or the policy of the legislature, the amendment is necessary. I therefore appeal to the House not to stultify itself by rejecting the amendment after having laid it down in the Ezhava Bill. The Council should not make a communal distinction in the matter.

MR. N. KUMARAN (*Nominated*): Why not we make an amendment in the Ezhava Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is too late to think of it now.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I oppose the amendment. My friend appealed to my sense of fairness when he said that some of the existing provisions of the Nayar Regulation happened to prove commendable to me and that therefore I must accept the other Sections also. If that is the case, there is no reason why the Nayar Regulation should be amended. Then he said there must be uniformity with regard to the Nayar Regulation and the Ezhava Regulation. So far as that is concerned I would say that the Ezhava Regulation may be amended.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It has been passed by the Council.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The third reading is not yet over.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): But the non-official members cannot make any amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Government reserve the power of making amendments. Then with regard to the Court Fees Regulation, evidently my friend is confounding a good deal. Certainly I concede the fact that there are provisions in the Court Fees Regulation where, before an execution is taken out, in regard to the execution of certain decrees, court fee has to be paid. But they are all decrees in suits. That distinction is conveniently forgotten.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I know what difference it makes so long as it is a decree?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Let me give my arguments.

And then, my friend said that this is a petition which comes under the preceding Sections which have been accepted. If, as a matter of fact, for any petition payment of court fees on the *ad valorem* scale is necessary, I would ask my friend to consider payment of court fees under the Insolvency Regulation. A receiver is appointed and lakhs and lakhs of rupees are decreed; yet absolutely not a cash is made payable in the shape of court fees for the payment of such amount. I ask, was not the wisdom of the legislature quite alive then? That is the sort of thing done in the case of a petition under the Insolvency Regulation. Here also it is a petition. It is the business of the court to take it up. To say that there must be payment of court fee for that is not correct. Evidently the wisdom of the Cochin legislators is for this provision being deleted, though there are other provisions in that Regulation which are not good for our purpose. With reference to the judgment of the High Court my friend would have probably interpreted the whole Court Fees Regulation quite the other way. But the High Court has come to the rescue of the litigants. Considering all these facts the House should take into consideration the ordinary case of petitions and the difference that would exist in an ordinary suit.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the analogy of the Insolvency Regulation is absolutely without force,

[Mr. V. Subba Aiyar.]

because there is no order of the court which is sought to be executed by any particular individual. And the provision in the Insolvency Regulation is that, when the debtor is not in a position to pay the creditors, a receiver is appointed and he takes the assets of the judgment debtor. All the creditors who are not in a position to realise their amounts, will realise very little if all of them are allowed to file suits. Thus it will be seen that it was in the interests of the public that such a provision was made. I do not think that there is any analogy between the Insolvency Regulation and the Regulation we are now considering.

With reference to the other aspect, that the one is a suit and the other a petition, I do not think that argument has got any force whatsoever because virtually it must be regarded as a suit. The appeal is also provided for on that basis. In this particular case it is not on the amount of compensation claimed but it is only on the amount decreed in favour of the respondent that he has to pay court fees.

I do not see why a departure should be made in this particular respect and I leave it to the House to decide whether we ought to be consistent or not.

The amendment was put to the vote and carried.

PRESIDENT: Sub-clause 6 runs as follows:—

"Save in so far as they may be inconsistent with anything contained in this Section, the provisions of the Code of Civil Procedure relating to the trial of a suit shall apply to all proceedings under this Section:

Provided that all proceedings under this Section either before a court or before a commissioner appointed by a court shall be held *in camera* and that the publication of any account, excepting the final order and decree of such proceedings, shall be punishable with simple imprisonment for a term of six months or with fine which may extend to Rs. 1,000 or both:

Provided also that the parties may give evidence against each other by means of affidavits and may be compelled to appear to give oral evidence only for cross-examination and re-examination on the affidavits."

MR. C. SANKARA MENON (*Quilon*): I propose the following amendment. Insert the words '*or with rules framed by Government under Sub-Secton 8*' between the words 'Section' and 'the'.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I accept it.

PRESIDENT: You have to insert those words. Then it will read as follows:—

"Save in so far as they may be inconsistent with anything contained in this Section or with rules framed by Government under sub-section 8, the provisions of the Code."

The amendment was accepted by the House.

MR. C. SANKARA MENON (*Quilon*): In the proviso, after the words "*in camera,*" I propose that the words '*the press and the public shall be excluded*' be inserted. I move this amendment because there is no provision specifically authorising the court to exclude them.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): *In camera* means not in open court.

MR. C. SANKARA MENON (*Quilon*): "Camera" means the Judge's private room.

The amendment fell through for want of seconding.

MR. C SANKARA MENON (*Quilon*): I beg to bring in another amendment: for the words, 'excepting the final order and decree' substitute "*excepting the decretal portion of the final order and decree.*"

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I know from Mr. Sankara Menon whether taking the copy of the judgment by the appellant to his vakil for presenting the appeal, would not be publication. I merely ask for information whether according to him he would object to the judgment being put into the hands of the counsel by the appellant.

MR. C. SANKARA MENON (*Quilon*): The counsel also will have to go to the office. The whole proceedings will have to be put into his hands. Therefore I stated 'the publication'.

PRESIDENT: Has that been seconded?

As the motion was not seconded by anybody it fell through.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, the Clause as it stands is likely to penalise the party who takes the papers to his counsel who must be entitled to get certified copies from the court below, the judgment, the decree and the evidence that was recorded, both oral and documentary. Naturally, he takes these papers to his counsel and leaves them with the counsel's clerk. As the Section stands that may be regarded as publication. Please excuse me, Sir. I overlooked the presence of the word "account", therefore I have no objection to the Clause being passed as it stands.

PRESIDENT: I think it would be better if we state that "*publication of any account of such proceedings except the final order and the decree thereon shall be punishable.*"

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I have no objection to accept the suggestion made from the Chair and I am thankful for the same.

The amendment was accepted.

PRESIDENT: Then we go to Clause 7 which runs as follows:

"The costs decreed in favour of the petitioner may be made payable by the co-respondent to the proceedings, if any."

Do you mean partially or wholly, Mr. Narayana Pillai?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There is the power of the court to order the whole or part of the cost. The Civil Procedure Code does not contemplate divorce proceedings. In all the Divorce Acts it is particularly provided for the costs being made payable by the co-respondent also, if any.

PRESIDENT: In sub-clause (5) you say "in so far as it awards payment of compensation or costs, an order of the District Munsiff," etc. That relates to the trial of a suit.

[Mr. V. Subba Aiyar.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : But in addition to that I have made this particular provision. The costs as against co-respondent should be provided for. But it is in the discretion of the court to make him also pay costs. The Parsi Act allows the award of costs as against the faulty party, the co-respondent.

PRESIDENT : Your amendment to the Clause, as it stands, may not be quite right. So we will have to say "notwithstanding anything contained in sub-clause (5) the petitioner."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Even if the costs are decreed against the respondent the court should have power at the proper stage to make the co-respondent also pay the same. The cost incurred by the petitioner—

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): It must be under the decree.

MR. P. K. NARAYANA PILLAI (*Amblapuzha*): Yes. It may be made payable by the co-respondent to the proceedings if any

PRESIDENT : Do you object "to decreed in favour of the petitioner "?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : But all the same the wording is in order. The costs decreed in favour of the petitioner may be made payable by the co-respondent also to the proceedings, if any.

PRESIDENT : If you say "incurred by the petitioner" will it not include all the costs incurred by the petitioners for the award of the court ?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : Why do you change the word "decreed" ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Petitioner's costs are decreed and that may be made payable by the co-respondent also.

PRESIDENT : It was pointed out that it clashes with the provisions of the Civil Procedure Code and in sub-section 6 we have stated that the provisions of the Civil Procedure Code apply to the trial of divorce proceedings. In order to avoid any further inconsistency we may say that "notwithstanding anything contained in sub-clause" etc.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): There is no inconsistency.

PRESIDENT : If there is no inconsistency, it is all right.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : It may be made payable by the co-respondent also, if any.

Sub-clause 7 was accepted.

PRESIDENT: Then we proceed to Sub-Clause 9 which runs as follows:

"During an enquiry for dissolution of a marriage under this Chapter, the court may from time to time pass such interim orders and make such provisions in the final order as it may deem just and proper with respect to the custody, maintenance, education and marriage of the minor children, the marriage of whose parents is the subject of such enquiry."

Could you suggest a better expression than "the subject of such enquiry?"

MR P. K. NARAYANA PILLAI (*Ambalapuzha*): That is the language of the Parsi Act. If anybody would suggest a better language I would adopt it.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Of course the same expression is in the old Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We may substitute the words "*the dissolution of the marriage of whose parents is the subject of such enquiry.*"

The amendment, as week as the amended sub-clause, were accepted by the House.

PRESIDENT: There are other amendments which we postponed for consideration yesterday, of which Mr. Subba Aiyar's amendment has been put and carried. I think we have done with the amendments up to Mr. M. N. Pillai's yesterday.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Yes. Fourteen amendments, after the amendment of Mr. M. N. Pillai were reserved on the motion of Mr. G. Paramesvaran Pillai, of which Mr. Subba Aiyar's amendment has been disposed of.

The following amendments were not moved:

MR. A. GOVINDA MENON (*Alangad cum Parur*):

Sub-clause (1.) Lines 2 and 3. Delete the words "after determining the amount of compensation, if any" and substitute the words "enquire into the grounds alleged in the petition and on proof of such grounds shall"

MR. C. SANKARA MENON (*Quilon*):

Sub-clause (1). Lines 2 and 3. Delete the words "after determining the amount of compensation if any" and add at the end of the first sentence the words "and then proceed to determine and decree the amount of compensation."

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*):

Sub-clause (1). Line 2. Delete "after determining the amount of compensation if any."

Line 4. Add at the end of the words "and then proceed to determine the amount of compensation if any."

MR. M. R. MADHAVA VARIAR (*Chengannur cum Pattanamtitta*):

Sub-clause (1). Line 3. Omit "if any."

[Mr. A. Hoogewerf.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Sub-clause (2) Delete the sub-clause.

MR. N. KUMARAN (*Nominated*):

Delete sub-clause 2 and substitute the following:—

Subject to the provisions of the Limitation Regulation, every order of the District Munsiff awarding compensation under this Section is appealable and executable as a decree under the Civil Procedure Code.

MR. V. SUBBA AIYAR (*Additional Head Sikar Vakil*):

Sub-clause 2. Line 1. Insert between "Procedure" and "and" the words "the Civil Court Regulation,"

Line 3. Delete the words "to the High Court".

M. A. GOVINDA MENON (*Alangad* cum *Parur*):

Sub-clause 2. Lines 3 and 4. Delete the words "the award of compensation or from any part of such award" and substitute the words "the decision of the District Munsiff under this Section."

MR. M. N. PILLAI (*Trivandrum*):

Sub-clause (2). Delete "(2)". Substitute the words "from the decree" for "from the award.........this Section."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*):

Sub-clause (2). Line 4. Substitute the words "made by" for the last "of."

MR. N. KUMARAN (*Nominated*):

Sub-clause (3). Delete and renumber the subsequent sub-clauses.

MR. M. N. PILLAI (*Trivandrum*):

Sub-clauses (3), (4) and (5). Delete

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Sub-clause 4. Add at the end the following proviso:—

"Provided that all proceedings under this Section shall be held *in camera* and that publication of any account of such proceedings, except with the express permission of all the parties concerned, shall be punishable with simple imprisonment for a term of six months or with fine which may extend to one thousand rupees or with both."

PRESIDENT: Now we proceed to the consideration of Clause 8 as a whole as amended.

Clause 8, as amended, was put and carried.

Clause 8, as amended, was added to the Bill.

Clause 9.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Sir, on the grounds already stated by me the other day, I do not move the following amendment.

Line 1. Add the words "or male" after the word "female".

MR. A. HOOGEWERF (*Nominated*): Sir, I propose to add in Section 9 the words "or a male" after the word "female". The idea of having two wives at this time of the day appears to me abhorrent. You have prohibited polyandry by this Section. The Nayar Regulation prohibiting polyandry was passed in 1088. A woman taking a number of husbands simultaneously is reprehensible and unthinkable. You did right in making it penal to do so. It is now more than a decade since you made that provision. Is it not time enough to examine the

position and see whether we cannot make some further progress? If a woman having a number of husbands is bad, is it also not almost as bad for a man to have a number of wives simultaneously? Is not the Nayar community sufficiently advanced to enjoy the benefits of a strict monogamous marriage? There are many sections of Christians distinctly less advanced than the Nayars, and they are strictly monogamous. The poor fishermen of the coast and the Nadar Christians are monogamists. In practice, most of the Nayars also are monogamous. Not a single educated Nayar that I know, has more than one wife. Why should my Nayar friends not give legal recognition to this custom by penalising polygamy also? The position of the wife has become hard now, with the difficulties placed in the way of obtaining divorce. It is most unfortunate that before the present Amendment Bill was drafted, the present sense of the community was not ascertained by the enquiry of a roving commission. If we had done so, I am sure the sense of the community would not have lagged behind that of the Ezhavas, in whose case 99 per cent. of the witnesses examined emphatically pronounced against polygamy; and this House has passed the second reading of the Bill prohibiting polygamy also in their case. There is a provision for monogamy in the Vellala Bill and there was a chorus of congratulations, even from some of the Nayar members supporting this provision.

If the Vellala can accept monogamy and if the depressed and untouchable Ezhava who is prohibited from walking along certain public roads can also be content with one wife, I find it extremely difficult to understand why such a progressive and educated community as the Nayar should have a plurality of wives, especially as their present custom and practice point towards monogamy. Why, I ask again, if our Nayar brothers across the border in the Cochin State are satisfied with one wife, the Nayars of Travancore should have more than one? It might have been all right when woman was looked upon as a slave or chattel. The Nayar woman is coming by her own. Just think of two or more educated Nayar ladies in a house, each with children and each trying to have the first place in the husband's heart; jealousy will reign supreme and they will be tearing off each other's hair and pulling out each other's eyes. It will be a case of pull baker, pull devil, every day. And the children would be fighting like Kilkenny cats. What peace of mind would the poor husband enjoy? His time will be greatly taken up in settling his wives' and childrens' quarrels. The harem is being done away with even in Turkey. I cannot but think that this provision will be a standing reproach to the community.

I was greatly surprised and disappointed to hear from the mover of the Bill that the provisions in regard to marriage and dissolution are based purely on the idea that marriage is a civil contract—probably like P. W. D. contract (*laughter*). I have spoken on the spiritual aspect of the question and the sanctity of the marriage tie, when I spoke against divorce, on last Saturday. The Nayars are Hindus and I cannot understand why they are ready to undermine the matrimonial bond of its

[Mr. L. R. Rajaraja Varma Koil Tampuran.]

sanctity enjoined by the Hindu religion. The material, the sexual and the carnal is so very evident in the civil contract. How can the children of such a union be brought up in the love of God when carnal pleasures stand foremost in the parents' minds? India is getting to be more and more spiritual every day and should not our social legislation help towards her spiritual regeneration rather than retard it? The peace and prosperity of society, as I stated before, is built on the life of the family. If you are going to have makkathayam there, should you not also have monogamy, which alone will install the wife as the queen of the household, which is her proper place? Where men alone are legislators, we have a sacred duty to see that the laws we make are not one-sided and solely in favour of the freedom of our sex. The woman is not represented in this House. Let us just imagine what a woman representative would have had to say on the subject. She would have whole--heartedly stigmatised the provision prohibiting polyandry and leaving polygamy alone as altogether one-sided and selfish, and put us all to shame. I am sure therefore that you will all agree with me in my proposal to remove this charge of one-sidedness from the provision and pave the way for the progress of the community by the formal abolition of a custom which no longer exists as a custom, and is repudiated by the enlightened community.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): May I know whether the word "male" includes non-Nayar husbands and Nayar husbands or whether it is intended only to include Nayar husbands?

MR. A. HOOGEWERF (*Nominated*): Both.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I heartily second the motion that is now before the Council. I wish to extend my knight-errantry without a lance and a spear into this field also.

PRESIDENT: Louder, please.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I wish to extend my knight-errantry without a lance and a spear (*laughter*) into this field also. But I would refrain from saying anything more than what Mr. Hoogewerf said, for he said it well, and he said it in all sincereity.

PRESIDENT: I observe that there are amendments to the same effect notified. The amendments to the same effect are proposed to be moved by Mr. Madhava Varriar, Mr. G. Paramesvaran Pillai, and Mr. Govinda Menon. Mr. Sankara Menon and Mr. Kumaran have something more to propose by way of amendment. I believe they will all speak on this and not move their own amendments.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I am not going to move my own amendment as it is the same practically as that now moved and discussed.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Are we to assume that all the amendments are moved?

[Mr. G. Paramesvaran Pillai.]

marry again or to have as many wives as possible, so much so that the husband would not go to the court at all for effecting a divorce. There will not be that incentive for the husband. What about the poor wife who cannot bear the husband but yet who finds it entirely difficult to get a divorce? In these circumstances let us see whether, after all, the balance is even.

This Council has a trust. You should consider that the wife is now in a much more difficult situation than she was before the amendment referred to above was passed. If so, my humble submission is: "Let not this Council take away what women can legitimately claim, namely, the rights of reciprocity." It may be argued, what can the husband do if the wife is insane or is suffering from an incurable disease? She will necessarily have to be divorced before the husband can marry again. Is it not a pity that, in case monogamy is not enforced, he can marry again and at the same time protect this poor helpless woman? That is one question that may be put. My only reply is: "look at the other side of the picture". What will happen to the wife having a husband suffering from the above disabilities. Insanity and incurable diseases are not the monopoly of women. The husband may also be suffering from insanity or incurable disease. The only course left open to the woman then is to seek divorce. She cannot remarry unless she gets a divorce—a divorce without any compensation whatever. She must take the risk of getting a husband or not, or die helpless without any protection from anywhere else, because she is adrift from the date on which individual partition is sanctioned. She is completely adrift. She cannot expect anything from her husband. The husband has divorced her or rather she is forced to take a divorce from her husband. On the other hand what is the compensation given to her? Nothing whatever. And look at the case of the husband. The husband is quite safe. He can marry again and the chances of remarriage for the husband, I need hardly tell you, are certainly more favourable than for a divorced wife. It will be extremely difficult for a divorced wife to get a husband as compared with the chances of re-marriage for a rich husband. So my submission, my humble prayer to this House, is to be fair to both sides when you legislate, especially when you have got the power to legislate. All the social measures that we have hitherto accepted do contain this provision. The amendments that you have already accepted logically lead to monogamy and I do not think that much need be said therefore on the necessity of securing this provision in the statute and especially when you are not putting anybody to any difficulty whatever. The bulk of the community would like it. And the evils otherwise resulting from the omission to accept this provision will, I am afraid, be far-reaching, and certainly one section of the community *i. e.*, the female population, will certainly not thank us for such an omission. So I would very strongly support Mr. Hoogewerf's amendment and commend it for the acceptance of the House in the altered circumstances created by the Bill before us.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, after the very eloquent, ardent and passionate appeals that have been made to this House by my friends Messrs. Hoogewerf and G. Paramesvaran Pillai, it requires very great courage on the part of one to stand up and oppose any proposal to have compulsory monogamy among Nayars. I would request you to remember that in these matters every one of us has got his own personal inclinations, his personal practice and his personal opinion. There is also the function of the legislature which you cannot object to. So that, when I speak against the amendment you must conceive that, though personally of the most emphatic opinion that compulsory monogamy is a virtue, still remembering that I am standing here to legislate for a community which does not after all want compulsory monogamy, I trust—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know how Mr. Velu Pillai says that?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I will say that, so that my position needs not much of a defence.

MR. A. HOOGEWERF (*Nominated*): I beg to know from Mr. Velu Pillai what the present custom is among the *intelligentsia* of the community,—whether they are not as a whole, monogamous?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes; I am very happy to answer that question. I am quoting from my own speech at the time of the discussion. I have given figures. Polygamy is very rare among Nayars in Travancore, but the people are not in favour of a law prescribing monogamy by doing away with personal liberty. This is evident from the fact that only 395 Nayar graduate witnesses examined by the Committee were in favour of enforcing monogamy, while 410 were against it.

MR. A. HOOGEWERF (*Nominated*): May I know when it was? Has not much water flown under the bridges since then?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That was about thirteen or fourteen years ago. Much water might have flown since—in the Ganges and the Karamanai rivers (*laughter*)—but not in respect of this question. If any body is prepared to place before me statistics on that question I may change my views. But so long as the notes are recorded and the evidence collected by the Marumakkatayam Committee remains, I think I am justified in maintaining that the bulk of the *intelligentsia* of the Nayar community is not in favour of compulsory monogamy—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I inform Mr. Velu Pillai that the Marumakkathayam Committee did not recommend full makkathayam and individual partition?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am sorry that my friend is misunderstanding the issue. I am not one of those who have sought for complete individual partition or for complete makkathayam. So far as I am concerned, that question does not arise. If my friend is not satisfied, I am prepared to give him my views on the

[Mr. T. K. Velu Pillai.]

matter. But I do not want to take up the time of the Council unless my friend is determined to have an answer from me, in which case I am prepared to give him one. This is the case not alone in regard to the Nayar community but other communities as well, and it has been recorded by the members of the Marumakkatayam Committee themselves that 95 per cent. of Indians and 98 per cent. of Persians and Muslims are monogamous. We have also to bear in mind the well-known facts that although in the Indian Empire there are civilised communities, more civilised than any in Europe and America, at any rate not less civilised than any of them, yet we find that compulsory monogamy is not enforced, and India is not inferior, either as regards the dearth of philosophical thought or in the material part of life, to the other nations, and the Indians are on the high road to national prosperity, and, because there is the absence of a law installing compulsory monogamy on particular communities, the progress of India has not been affected prejudicially. So that, whatever may be the excellence of monogamy as a principle, whatever may be the practice of other religionists and other communities in other parts of the world, so long as the powerful, important, wealthy and intelligent communities in India are not prejudiced by the absence of that law and that in spite of the absence of such a law they are still considered to be very respectable, decent and intelligent people, I should think that there is absolutely no necessity for changing the law in this respect unless the community demands it with one voice and—

MR. A. HOOGEWERF (*Nominated*): How can the demand be made in one voice? (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is not impossible. By that I do not mean that every one of the Nayars should come here and have his or her opinion recorded.

MR. JOSEPH PANJIKARAN (*Shertallai*): What is the sense of the female population in this respect?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Now that my friend has pointedly put the question, I may tell him that, although there is a large section of women who are against allowing their husbands to take more wives than one, there is a section also of women who are indifferent about the matter (*continued laughter.*) There are still others who are not for this compulsory monogamy.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know from the speaker how he knows that some people are indifferent about their husbands?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am prepared to answer it. There are wealthy influential Brahmin jenmies and others who have married Nayar women according to the usage of the community. Among them it is only one man in a family that marries a woman from his own caste. If there are no children, the tarwad may come to rack and ruin. That is a fate which no Hindu

would like. Before he could marry in his own caste he might have married a Nayar woman. So that, if he is to prevent his house from extinction and the line of his ancestors from complete perdition, he is to marry in his own caste. According to the suggested solution this can be done only after divorcing the Nayar wife through whom he may have a number of lively, beautiful, loving children (*laughter*), but with all that—

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know from Mr. Velu Pillai whether he is answering my question?

PRESIDENT: Yes. He is answering your question.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, in my own way. He will have to desert all his people, put them into poverty, break away totally from his own feelings and marry a caste wife. With regard to the specific instance, I know a certain police officer, whose name certainly I shall not be justified in mentioning before the House, but which I am prepared to give Mr. Panjikaran in private—and I suppose he will be satisfied when I say I am prepared—I know the instance in which a police officer's wife got so badly ill that all hopes of cure failed and the wife herself persuaded the husband to marry another woman. I know the man for a long time and I will satisfy Mr. Panjikaran that such is the case and that is not a solitary case. There are instances without number.

MR. A. HOOGEWERF (*Nominated*): I beg to ask Mr. Velu Pillai whether it was not true that at the conference of the Keraliya Nayar Samaj held at Trivandrum, at which Mr. T. K. Velu Pillai was present, a resolution for monogamy was passed and that he quoted it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): My public activity extends over rather a long period. (*Laughter.*) And unless Mr. Hoogewerf gives me the date of the meeting and some report of the speech I made and a copy of the resolution, I shall not be able to answer him. But so far as I can remember I have never stated that I was in favour of compulsory monogamy. If I attend a meeting and a resolution is passed, I do not lose my individuality and merge in the individuality of the majority. That is a lesson which Mr. Hoogewerf might take from me. (*Laughter.*) If I attend a meeting, and if through my acquiescence or indifference any resolution is passed, that does not bind me. That is an elementary principle of law and practice. *Laughter.*)

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that at the Popular Assembly repeatedly members come forward and ask for monogamy?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not carry all the Popular Assembly reports in my head. (*Laughter.*) The better way will be to place those representations in my hand and ask me what I think about the matter, and there again I may tell him that I am not bound by those representations. Now, Sir,——

[Mr. T. K. Velu Pillai.]

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that at the last Nayar conference held at Vaikam also there was a resolution passed in favour of monogamy?

PRESIDENT: Mr. Velu Pillai is not bound to give an answer.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not attend it. (*Laughter.*)

Sir, the question raised is no doubt an important one and so far as the non-Hindu members of this House are concerned—

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know whether he has stopped answering my question?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The instance of the police officer I have already quoted. That is one instance, but there are several other instances which will show that several Nayar ladies of varying degrees of respectability (*laughter*), the very highest included, do not rebel against a husband who has got a caste wife. I shall give instances without number.

MR. JOSEPH PANJIKARAN (*Shertallai*): May I know from Mr. Velu Pillai whether there was not a ladies' meeting in Trivandrum and whether they passed a resolution for monogamy?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes. Sir, I am not astonished at the question which Mr. Hoogewerf put me. But I am simply surprised at what Mr. Panjikaran asked me. (*Laughter.*) Travancore is a country which extends from Parur to Cape Comorin and from the Sahyadri to the Arabian sea. There are thousands and thousands of ladies and if a few of them meet in any particular place and ask us to legislate for compulsory monogamy without understanding all its implications (*laughter*), especially when the women of our country have not come forward in public life so much as they have done in other countries, any opinion recorded by them does not bind me, nor does it bind Mr. Panjikaran, here standing as a legislator. With all his prejudices Mr. Panjikaran as a Christian is different from Mr. Panjikaran, the legislator, and Mr. T. K. Velu Pillai, the man, is different from Mr. T. K. Velu Pillai, one of the legislators. That is the position which I may request him to bear in mind.

MR. A. HOOGEWERF (*Nominated*): What is the opinion of Mr. T. K. Velu Pillai as a Nayar? (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): As it is a very pertinent question, I will answer. Mr. T. K. Velu Pillai as a Nayar is allied to Mr. T. K. Velu Pillai the man.

MR. A. HOOGEWERF (*Nominated*): Is not the man different from the Nayar?

PRESIDENT: This must stop.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I have not been able to complete my sentence. But, all the same, if people

are inquisitive about matters, I have no objection to give my views. The important point to bear in mind is that, whatever opinion might have been expressed at a solitary meeting of ladies, that ought not to bind us. We may respect it, we may consider it also, but we are not estopped by it. In these days we come across instances in which people come forward with professions of ideals which do not apply to them. That is one of the dangers of modern civilised life. A person may have a certain practice, but when he goes to the platform he speaks in a different manner and tries to show to the world that his ideals are so excellent. (*Laughter.*) I am referring to the circumstance just to show that the isolated opinions held by certain women cannot be considered to be the opinion of womenkind throughout Travancore.

MR. JOSEPH PANJIKARAN (*Shertallai*) : May I know from Mr. Velu Pillai whether any single woman has come forward and asked for polygamy?

PRESIDENT : He has already answered that question.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : Our women do not figure prominently in public life. They know that their interests are safe in the hands of their near relations. I do not want to go on in this strain ; but I had to answer all these questions. Therefore, I took more time than was anticipated. But my position is only this—that when it is said by my learned friend Mr. G. Paramesvaran Pillai that the instances of polygamy among Nayars are very small, my argument is that the function of legislation being only to legislate for the bulk of the community, no section need be penalised simply because they are doing what they have been doing for hundreds of years, what other communities in similar circumstances are doing and that without forfeiting any honour or estimation on the part of the other nations.

MR. A. HOOGEWERF (*Nominated*): Does the vote of the minority in this Council count?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): That is a point which is to be answered only with reference to constitutional law. I may have to discuss various things before I give a proper answer.

Now, Sir, let us take the case of western countries. Compulsory monogamy was in existence for hundreds of years and the Christian religion also has been preaching about the necessity for monogamy. But, with all that, what is the result? Here is a small sentence taken from a letter contributed to the Press by Lord Buckmaster, one of the members of the Privy Council. He heard four hundred undefended divorce cases in the summer time of 1922. Basing on this and other experience, he wrote to The *Times* a strong letter urging the reform of the law of divorce in courts of law. Lord Buckmaster says: "Bigamy was extremely common, but entirely confined to poor persons, for bigamy is not a vice of wealth; the rich can find other less illegal outlets for their emotions." If that is the result

[Mr. P. K. Narayana Pillai.]

of compulsory monogamy in one of the most advanced countries of the world where public opinion and religion compel people to follow that rule and if the results are so dangerous, I question the wisdom of driving our people to the same conditions of having a compulsory law of monogamy. The so-called reciprocal question does not arise.

MR. A. HOOGEWERF (*Nominated*): May I inform Mr. Velu Pillai that almost all the civilised people and the whole of the English Press criticise Lord Buckmaster's view, including the women in Parliament?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not say that the views of Lord Buckmaster are the last word on the question. I only mention the fact and that is true.

So that, Sir, it is not after all necessary and it will not make all men saints; while, in the particular circumstance of our country, if there is a law of compulsory monogamy, there will be several people who will not thank us, because compulsory monogamy means preventing them from perpetuating a family, and preventing them also from having a healthy existence in our planet. So that I beg to say that, while as a matter of principle I am prepared to recognise that monogamy is a very good ideal, compulsory legislation on this subject, when the public opinion in respect of it has not been recorded in a clear and unambiguous manner, is undesirable, and I must oppose the amendment of Mr. Hoogewerf, however valuable it may be in other directions.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): I also oppose the amendment. I do not think there is any necessity for the legislature to interfere in that respect. As has already been stated by some of the learned members the practice of polygamy is very rare. We have already placed several restrictions in the way of free divorce and I think it will not be fair to insist on monogamy. Now my view is that if you insist on monogamy that will give rise to an increase in divorce. I do not believe that is going to be advantageous to our women-folk. So I strongly oppose the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am also very sorry to oppose the amendment of Mr. Hoogewerf. The main ground on which Mr. Hoogewerf proposes this particular amendment is that monogamy is a good thing. Granting for argument's sake that it is a correct statement, about which I have my own misgivings, there are various other good things in the world for which we do not legislate. For example, we seek, as far as possible, to prevent divorce, and one of the grounds for divorce is cruelty. Cruelty is due occasionally to the addiction of gentlemen to liquor. If then we want to prevent cruelty, the Nayar Regulation would also have to provide for temperance, a measure that would have been good to that extent at any rate. Does this legislature propose to provide for temperance in the Nayar Regulation? Nobody does it. Therefore I say that, simply because a view might probably have got deep into one's soul by close association, it would not be right, I

think, to press it in regard to others whose circumstances are entirely different. To bind other parties by one's own conviction of the virtue of a particular principle may be in itself philosophical but not practical. That is one aspect of the question which this House will have to bear in mind.

There is Mr. G. Paramesvaran Pillai who comes forward with the case for absolute reciprocity to be brought about between the two sexes. He said, though not correctly, that in the Bill under contemplation there are provisions applying equally to man and woman. That is how I understood my friend. If my friend now says that he does not make that statement—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That was not what I said.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am very glad that he did not make that statement. It is not a sound argument to say that, in order to make reciprocal equality, polygamy should be put a stop to. Hitherto we had provisions in the Nayar Regulation only on the basis of the admitted dependance of women upon men. That is the status on which women have been dealt with.

MR. A. HOOGEWERF (*Nominated*): I wish to know why polyandry was done away with in the Nayar Regulation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Because it does not exsist, no man should take to that in future. That is all the desire. That aspect of the argument also does not appeal to me. Then let us take into consideration the merits of monogamy about which my friend Mr. T. K. Velu Pillai just now reminded the House and on a prior occasion Mr. Krishna Aiyangar had much to say. I wish to point out one thing. So far as my experience goes monogamy is a good institution, provided the man and the wife are good people. But once the husband and the wife happen to be bad people---either the one or the other-then monogamy becomes a piece of trouble. The unconditional statement that monogamy should be adopted by all people irrespective of adherence to any particular principle is difficult to subscribe to. Then, further, it is an open question whether as a matter of fact the community is prepared to take up the position; in other words with respect to the women of the Nayar society the question arises as to whether they are prepared for it. Mr. Paramesvaran Pillai has been depicting in rather sombre colors the position of certain women or the position that certain women would be driven to. I do not think there is room for such gloom.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I shall describe the cases of women hereafter.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): As if they were already been given. It is very difficult to understand the position of women. For, the position of Hindu women, among whom I include Nayar women also, is such that, owing to their retiring modesty and their extreme aversion to publish their views, we have to come to a conclusion only by judging from the conduct and standard

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of those women in the country who have been submitted to the yoke of polygamy. Reference was made to the public utterances of some ladies in public meetings held in Trivandrum and elsewhere.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether he is aware of a resolution passed at a meeting at Neyyur on the Nayar Bill and also at Padmanabhapuram in regard to this matter?

MR. P K. NARAYANA PILLAI (*Ambalapuzha*): I must candidly admit the fact that I have no information regarding any such resolution. I am only stating that the normal condition of Hindu women, including Nayar women, being their retiring modesty, any public expression by any particular lady may be taken to be the opinion of a woman not quite normal in nature. She does not represent the normal variety of women in Hindu society. She may be advanced intellectually or probably deflected in some other direction. I do not reckon such women to be of a normal type. Therefore I look upon the utterances of such women as very dangerous. (*Laughter.*) So, I am sorry, I cannot pay as much regard as my friend Mr. G. Paramesvaran Pillai is prepared to pay, to such utterances and exceptional feminine inclinations.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not mean the utterances of women. I referred to the utterances of males of the status of Mr. P. K. Narayana Pillai himself.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In this Assembly itself we have members of my status and of greater status than mine like my friend Mr. G. Paramesvaran Pillai who differ from me. Then why should we look elsewhere for agreement or disagreement of view? The question is whether it is purely on personal inclination or on a result of the study of existing conditions that the matter should be considered in this connection. The Nayar Regulation has been in full swing, and even to-day, it is in full swing and many elderly gentlemen took part in bringing it into existence. They did not think it necessary to provide for compulsory monogamy. I therefore submit that it is not time enough for the community to take to monogamy.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether he is not aware of the changes in the community?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I also say that the object of this Bill itself is to provide for the partition of marumakkathayam tarwads and incidentally to provide for inheritance from non-Nayars? These are the main questions that we have been discussing. By a side wind the question of monogamy is being introduced.

MR. A. HOOGEWERF (*Nominated*): May I know whether the opinion of Nayar members and Ezhava members who supported my amendments were also based upon personal opinion?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Then the only instances that have been quoted are the instances of the Ezhava

Regulation and the Cochin Regulation. Unfortunately both these Regulations have not been set to working long. The Ezhava Regulation has not been placed on the statute book. As to the Cochin Regulation, one gentleman from Cochin, who is among our midst just now, was telling me the other day that even with respect to some serious provisions of that Regulation infringement was the order and observance the exception.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will he point out one piece of legislation throughout the whole world in which divorce is allowed along with polygamy?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): The Mahomedan Law and the existing Nayar Regulation. (*Laughter.*)

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Does he know that in the most enlightened part of the Mahomedan world there has been a change in regard to this matter?

PRESIDENT: You asked about law and he has given you the answer.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Does he know that in Angora among the most enlightened Mahomedans of the world a change has been effected in regard to this matter?

PRESIDENT: There are other Mahomedans in the world than the Mahomedans of Turkey.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): We quote only the most advanced section among Mahomedans.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is a matter of opinion. I fear nothing has been done even by the Angora Government. And even what little they have done is the subject of very serious controversy. The Khilafat having been abolished, the Mahomedans in India have not been looking with complacency upon the proceedings of the Angora Government. Even if it be such, I would ask Mr. Govinda Menon, is it the quarter from which we must draw the inspiration for legislation? Left to myself, not even as the last resort would I think of drawing upon that model prescribed by my friend. That is all beside the point. The question is this. With respect to the Vellala Bill it was said that a provision was made there. A leading Vellala gentleman of the community who has been co-opted as a member of this Council for that purpose made a very serious protest against such a provision in the Vellala Bill and we are not in a position to say whether the Vellala community is on the whole prepared to take it up. First of all, we have got the long-established practice supporting us. The chances that some of the women will be reduced to the ignominious position of becoming second wives must also be put along with the chances of whether they will be able to obtain their divorce. That aspect of the question is also to be taken into consideration. If we adopt the position urged by the mover of this amendment the women who have a chance of being reduced to the ignominious position of second

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wives would be declared not as wives but as something of a more unpleasant description under the names of concubine or some other repulsive name which need not be let known in the House. If that is the position to which the women of the Nayar community must be reduced, I cannot understand the wisdom of Mr. G. Paramesvaran Pillai's position.

As regards Mr. Hoogewerf, I am quite sure he is advancing from the view that monogamy is a good principle. He knows very little about the conditions, troubles and customs of the Nayar community. So I would request the sympathetic gentlemen who are present here as members of this Council, to consider not merely their views and inclinations in this matter, which may be due to associations and experiences in their own community, but to take into consideration the effect that it will produce in another community, which is to be bound by the piece of legislation sought to be enacted. We will do well to foresee the complications if the long-established practice is so suddenly altered. If they think that monogamy is the pinnacle to which every community must rise and that their views and tastes alone must necessarily prevail even in respect to other communities, I think they are at liberty to vote in any way they like. But if they are going to regard the existing practice in the Nayar community, I beg to submit that they will have to vote, though much against their own conviction, against the amendment proposed by Mr. Hoogewerf, certainly in very good spirit, for which I am prepared to thank him.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : Sir, as the mover of this Bill I regret that I am unable to accept the amendment proposed by Mr. Hoogewerf. I fully appreciate the noble motive which actuated Mr. Hoogewerf to bring forward this amendment. Probably, there is much to be said in favour of monogamy in the abstract. But we have to take it in relation to a certain community, and what we have to consider is whether, in regard to that community, the time has come for insistence upon monogamy. To my Christian friends I would say that, probably as a reaction against the abuse of the Jewish law which permitted plurality of wives, Christian religion prohibited polygamy. Whatever may have been the original cause of the prohibition of polygamy, that it has been found in actual practice to be after all not so advantageous to the whole community as might be expected, is seen from the quotation which my friend Mr. T. K. Velu Pillai read from an article published by so eminent a judge as Lord Buckmaster himself. Now, apart from the Christian community, it appears to me that there are very few communities in the world who are monogamous in law. Take for instance the Egyptians or the Turks or the Arabs or the Chinese or other communities in India or Persia; in all these communities we find polygamy existing and monogamy has not been insisted upon. If in so many communities and races inhabiting such a vast area as Asia this polygamous law has been in existence, if in spite of the fact that, marriage is considered to be a religious sacrament and if also in spite of the fact that as a result of marriage

inheritance automatically follows, I think there must have been very good reasons for not prohibiting polygamy altogether and for not acknowledging the very good benefits that have been claimed in favour of monogamy. In India, socially the most progressive community are Brahmins, and I do not think there is any other community whose marriage tie is so strong and so sacred as it is among Brahmins. In spite of that we find that they have not yet rebelled against the law of polygamy and they have not after all asked for any reform against the existing custom and for prohibiting polygamy. Now, in this House we have got to see whether the community, which till to-day has been following an entirely different system of inheritance, in whom marriage did not involve inheritance, among whom divorce was quite free, in regard to whom marriage is only a civil contract and among whom for about twenty years there was no law regulating marriage—whether such a community is fit for a monogamous law or not. You will find, Sir, that at the time the Marumakkatayam Committee took evidence there was a large volume of opinion, and there was even a small majority of witnesses who spoke, against the prohibition of polygamy.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Was the opinion of women taken at that time?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Some women were also examined. There was a large volume of opinion against the prohibition of polygamy.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What would be the trend of public opinion that my friend would gather from the various resolutions passed at Neyyur and Padmanabhapuram?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): You will find that the objection to polygamy came from educated classes and not from uneducated classes, because the report says that among the graduates examined there was a very large percentage against polygamy. Mr. Hoogewerf claims—and it was humorously refuted by my friend Mr. T. K. Velu Pillai—that much water had flown under the bridge since the Marumakkathayam Committee took evidence. My experience shows that much water has not after all flown in regard to this matter. Mr. Hoogewerf referred to a meeting held in Trivandrum nearly three years ago and the resolutions passed at that meeting. Over one of those meetings I had the honour of presiding and I know at that meeting a very large number of educated men, including many graduates, attended. In fact I may say that was the meeting of the Nayar Samajam which was attended by the largest number of educated men and graduates—

MR. A. HOOGEWERF (*Nominated*): Did the Nayar Samajam vote in favour of polygamy?

PRESIDENT: Please wait. Let us see what he is going to say about the Nayar Samajam.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There was such a large audience that it was difficult to determine whether the majority was in favour or against the prohibition of polygamy.

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They were so equally divided. Of course, by a show of hands roughly it was estimated that the majority was in favour of polygamy. But there was a very large number for the continuance of polygamy.

MR. A. HOOGEWERF (*Nominated*): Was it a difference of two or three votes?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Over seven hundred votes against monogamy.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Did they vote for polygamy or against compulsory monogamy?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Against compulsory monogamy.

MR. A. HOOGEWERF (*Nominated*): May I know whether Mr. Paramesvaran Pillai knew that the Vaikam conference voted in favour of monogamy?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes; the Vaikam conference did vote in favour of monogamy. I do not deny that. But still I am not prepared to say, in view of the conflict of opinion which prevails in regard to this matter, that we have passed the stage of propaganda work. It is not yet time to make it the basis for legislation.

MR. A. HOOGEWERF (*Nominated*): Was not Mr. Paramesvaran Pillai present at that Nayar Samajam? Is not a great deal made of the resolutions passed by that Samajam?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I was present at that meeting, and we made a great deal of these resolutions. But the value that we give to these resolutions is only as propaganda work and not one fit to form the basis of legislation in regard to the Nayar community.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Does Mr. Paramesvaran Pillai attach only that weight to the resolutions passed at that conference?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is all. In regard to this particular resolution I do not attach more weight. We find as a matter of fact that we are not in a position to say that the community is still prepared to pass a law making monogamy compulsory. You will notice, Sir, that there is a growing opinion in favour of the law as education is spreading. But the economic condition makes the enactment of a law against polygamy impossible. Under these circumstances we may say that good ideas are spreading among the people and that there is a growing demand for monogamous law; but we cannot say that the community is still ready to accept the law of monogamy at the present day.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know on what basis he arrived at that conclusion, *viz.*, that the community is not yet ready for compulsory monogamous law?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is the impression that I have formed from my experience of the country, from conversations with responsible people and also from a perusal of the report of the Marumakkathayam Committee. We are also making rapid progress. We have legalised marriage by statute. We have made divorce rather more difficult than it was ten years ago. I may say we have absolutely prohibited divorce now, so that in these matters we are making rapid progress. I may say at the same time that, so far as social legislation is concerned, we must take the line of least resistance.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Hear, hear.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In regard to polygamy I think we will be taking the line of least resistance if we do not prohibit it. When a community is not prepared to accept a law and if on account of the progressive opinion of a few of the people we impose a law like that of monogamy on such a community, it may lead to pernicious consequences.

MR. A. HOOGEWERF (*Nominated*): On what authority does Mr. Paramesvaran Pillai say that that community is not prepared to accept monogamous law?

PRESIDENT: That question has already been answered.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): If compulsory monogamous law is passed, people may try to evade the law. Polygamous marriages will continue to take place in remote places where the law is not known. Those who know the law might have recourse to illegal and undesirable means to satisfy their object. It will probably lead to very pernicious consequences, as in the case of drink in America where the people are not prepared for a law preventing the drink evil. On this ground I must very strongly oppose the amendment put forward by my friend Mr. Hoogewerf. I must also in this connection refer to the fact that the analogy of the Ezhava community cannot hold good in the case of Nayars, because the Ezhava community is a self—sufficing community. It has nothing to do with other communities. The Nayar community have got marital relations with other communities and with communities whose personal law does not prohibit polygamy.

MR. A. HOOGEWERF (*Nominated*): What about the Nayar community of Cochin?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In regard to the Nayar community of Cochin, they have passed a law, but I may submit that there they have not prohibited divorce.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): May I know if there was a Legislative Council at the time the law was passed?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Even now I do not think there is a Legislative Council there. I think they have passed rules and regulations. For these reasons I submit I am sorry to

[Rao Bahadur K. A. Krishna Aiyangar,]

say that I am unable to accept the amendment proposed by my learned friend Mr. Hoogewerf.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What has he gathered to be the trend of public opinion from the resolutions passed at Neyyur and Padmanabhapuram?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): There are resolutions in favour of polygamy and also against it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Has he received any resolution supporting the continuation of the existing provision?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I have received resolutions supporting the Bill—the revised Bill—as a whole, which means that they accept the law in regard to marriage also.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): At an earlier stage of the discussion I had practically exhausted all that I had to say in support of continuing the existing law on the subject of marriage. I shall therefore confine myself to making a few observations which will help us to solve the question now raised by Mr. Hoogewerf. This is a piece of social legislation. Social legislation will be justified only if it is intended to get rid of a serious social evil. Are the evils of polygamy so rampant as to require a statutory measure to penalise polygamy and enforce monogamy? Mr. Hoogewerf did not refer to the presence of actual evils in Indian societies or in the Nayar society which would justify a wholesale revolution on the subject of marriage.

MR. A. HOOGEWERF (*Nominated*): May I know whether there is any evil in divorce at present which necessitates legislation here on that question?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I do not quite follow my friend. I was not able to hear him. I am sorry therefore I shall not be able to answer it.

MR. A. HOOGEWERF (*Nominated*): I will repeat it. Were the evils of divorce so very heinous as to require legislation in this Council?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That seems to have been the sense of the House. There is no use in going back upon it.

MR. A. HOOGEWERF (*Neminated*): May I know whether—

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think he need not waste his breath. I do not propose to answer any further question of his. If his idea is that this Council must take the sense of opinion of all persons in the community that is affected by this piece of legislation, by numbers and by meetings and by the

resolutions that were passed, I may say once for all that I do not recognise any wisdom in it. From the very nature of the circumstances it is absolutely impossible for this House to say whether the community as a whole is in favour of or against it. One thing is clear. The representatives of that community come forward and array themselves in two hostile camps. That is a sufficient indication of the lack of unanimity on the subject. Unless the advocates of monogamy are able to substantiate the existence of serious evils due to polygamy which require drastic remedies, I say this Council will not be justified in making any departure from the existing law. I want my Christian friends to recognise that our race has got a genius of its own. The Indian race is not inferior to any other race in recognising the real obligations of life, the sacredness of domestic ties and all the rest of it. I do not want my friends from a theoretical and academical stand-point to discourse on the virtues of monogamy, because in actual life my friend must have understood that, though monogamy is not enforced in practice, Indian opinion is monogamous in practice and the Nayar community is monogamous in practice. Then my friend Mr. G. Paramesvaran Pillai asked? "If that were so, what is your objection to legislaion." That is not the way in which the question should be approached. Where is the necessity for this legislation? I say then that I am for the retention of the existing Clause because it will be something in the nature of a safety valve when a man has to face a serious position.

Mr. G. PARAMESVARAN PILLAI (*Neyyattinkara*): What about the women, Sir?

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Well, the larger interests of the community as the whole will be the only justifying factor. We should not be in the land of dreams. What is it that we do? Do the women go about and earn their bread? The husband does his part of the duty and the woman does another part of the duty at home. The one is the complement to the other. With the two, life is perfect. I say, Sir, according to my conception of social legislation, this House will not be justified in enacting a law simply because no harm is likely to come out of it. Social legislation would be justified if its direct object was to get rid of an existing evil of a pronounced character and not merely to ward off a distant danger. Take the other side of the picture. If monogamy is enforced—compulsorily enforced—and if a man under exceptional circumstances finds that he has to choose another companion of life, my Christian friends and my enthusiastic Nayar friends in the persons of Mr. Govinda Menon and Mr. G. Paramesvaran Pillai would tell us "divorce the wife" and that probably at a time when she stands in need of the greatest attention on the part of the husband,—when she may be insane or suffering from some incurable disease. The Hindus and Nayars who have been accustomed to the present state of law know the real difficulty. To the Christian gentlemen I would say that they should not do anything absolutely against the existing practice at present. It is no use indulging in the vain dream that human nature is such a

[Rao Bahadur K. A. Krishna Aiyangar,]

magnificent thing, and that all human beings must be above temptations of life.

MR. A. HOOGEWERF (*Nominated*): May I know how it is that legislation was considered to be necessary for the prohibition of polyandry?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): The query is absolutely irrelevant. We are now discussing the necessity for the statutory prohibition of polygamy. There is no use in arguing these questions of analogy. I understand that analogy in law is the most fallacious argument that one can think of. Let us not then be deflected from the real subject, namely, whether we have really found out any evil which would justify social legislation on the subject. As I submitted at the outset, this is an old, old institution in this land. No necessity has been made out to get rid of the evil. If we are to take the advice of our friends, I am sure, many, instead of marrying, and instead of desisting from such things, will somehow give vent to their emotion by illegal union with other women who will unfortunately be called concubines and the children of such union will be stigmatised as bastards. On the other hand if you allow them to marry once again and legalise such union, I think that will certainly lead to the perfect happiness of all the parties of such union and the children will be regarded as legitimate and they can also inherit the property of their father. I want this Council to view this picture also and see whether after all Indian society, in spite of the fact that polygamy is not prohibited, is not a perfect society. The Hindu society does not stand in need of such a drastic change simply because there are dreamers who look up to the far off ideal and anxiously and sincerely believe that that ideal can be realised by this piece of legislation. As I submitted once before, the Penal Code is not quite enough to eradicate the evils, if any, in the Hindu society. Knowing that the practice in our society is monogamous, why do you compel us to accept that piece of legislation, thereby implying that the Hindu society and the Nayar society are so rotten as to justify that piece of legislation? Legislation more or less is an index of the contemporary state of society. Once you accept Mr. Hoogewerf's motion, it is almost a confession that the Hindu and Nayar society at present are so rotten that the only solution, the only salvation must come from our accepting the ideal which he has been preaching so eloquently, no doubt in all sincerity, though from his personal stand-point.

MR. A. HOOGEWERF (*Nominated*): If in practice Nairs are monogamous, why is it that Mr. Krishna Aiyangar says that it is a far off distant ideal which we aim at?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Probably, if my friend had correctly realised the significance of what I conceive to be the justifying reason for social legislation, my friend would not have put that question.

MR. L.R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): If as my friend says the society is perfect and that no legislation is necessary unless it is rotten, is there any necessity for clause (9) itself?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That is my question also.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think that was brought into effect a long while ago and it is rather unfair to call me to justify a measure that was legalised by this Council long before I got into it. I think my friends should address that question to some of those that were members of the Council that passed it.

MR. JOSEPH PANJIKARAN (*Shertallai*): I never thought that this question would be so controversial. Some of my friends who oppose this amendment—I mean the Hindu gentlemen—ask the Christian members in this House to vote on this motion not from any inclination of their own but placing their decision on what would be for the good of the Nayar community. I may tell my Nayar friends that the Christians in this House who take part in this piece of legislation try to bring into effect what they believe to be the best in the interests of the Nayar community as a whole.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I never suggested anything like that.

MR. JOSEPH PANJIKARAN (*Shertallai*): All of us are trying as far as possible to serve the Nayar community in the best possible manner. I think that since a personal appeal, as it were, was made to the Christian gentlemen in this House I would not be justified in voting on the question without expressing my reasons for the same. I support Mr. Hoogewerf not on account of the fact that monogamy is virtuous in itself—it may be virtuous in certain circumstances but polygamy may in itself be better in other circumstances than monogamy. Some religions may insist upon monogamy. Other religions permit polygamy and even polyandry. We are not, I think, in this respect concerned so much with the respective merits of the different systems of marriage. We are concerned only with the question whether, if polygamy is allowed to continue, it will be for the good of the Nayar community; that is the only question with which this House is at present concerned. It is only in that light that I enter into the discussion. Under the Nayar Regulation of 1088, polygamy could not have been a source of evil to the community. In the present piece of legislation the Nayars are making very many alterations in the law under which they have to live. First of all, they want individual partition. Then, we have accepted the amendment of Mr. Govinda Menon which has made divorce impossible. The present amendment advises us to accept the system of monogamy. My own opinion is that if the Nayar community is determined upon having individual partition and if the Nayars want their women to get out of the joint family house, they must, at the same time, in their own interests, provide for ample safeguards for the interests of

[Mr. P. K. Narayana Pillai.]

the fair sex. The women in future will have to leave their family house and depend solely upon their husbands. If a husband has two wives we can very well imagine the relationship in which they can live together. Till now, they could freely effect a divorce without any difficulty. According to the present Bill divorce has been made very difficult in the community—I may say almost impossible.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether divorce is not impossible in the Brahmin community.

MR. JOSEPH PANJIKARAN (*Shertallai*): So far as I understand, the Brahmin community does not allow divorce. Therefore when it has been made practically impossible for the women to get away from her husband, I think it is highly necessary that certain safeguards must be provided in the interests of the Nayar community.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wish to know whether the absence of a law of compulsory monogamy among the Mitakshara Hindus in any way prejudices the interests of those people.

MR. JOSEPH PANJIKARAN (*Shertallai*): I do not think that comparison is after all quite correct.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I never instituted any comparison. I am only asking his opinion whether in the absence of a compulsory monogamous law among the Mitakshara Hindus the women in that community are not having sufficient safeguards.

MR. JOSEPH PANJIKARAN (*Shertallai*): They may not have any safeguards so far as monogamy is concerned. That is no reason why we should not provide any safeguard in the case of the Nayar community.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I have a direct answer from Mr. Joseph Panjikaran with respect to Mr. T. K. Velu Pillai's question?

PRESIDENT: He is not compelled to answer.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): I rise to a point of order. What right has Mr. P. K. Narayana Pillai to ask Mr. Joseph Panjikaran to answer when the question was put by Mr. Velu Pillai?

PRESIDENT: You can object only if it is objectionable under the rules and standing orders. I do not think it is objectionable.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am entitled to question any member while he is speaking. I do not see any reason why Mr. Nidiry should interfere while I am questioning Mr. Joseph Panjikaran. I want to know whether Mr. Joseph Panjikaran is in a position to give any definite answer to Mr. Velu Pillai's question.

PRESIDENT: His answer implies that he is not in a position to do that.

MR. JOSEPH PANJIKARAN (*Shertallai*): FIRST OF ALL My answer given to Mr. Velu Pillai is very definite and clear.

So I support the amendment moved by Mr. Hoogewerf. I do so not because monogamy is very virtuous and better than polygamy, but because I think that, under the altered circumstances in which a woman of the Nayar community will be put in future, in the interests of the Nayar community, Nayar gentlemen must be prepared to make some sacrifices. What would be the case of a woman whose husband, on account of incompatibility of temparament for instance takes another wife, but does not care to effect divorce. If the woman had been allowed the right of effecting a divorce by reason of the husband taking a second wife during the life-time of the first wife without effecting a divorce, the matter mould have been quite different. But the divorce law that we have enacted contains no such provision. On these grounds, I suport the amendment.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): എനിക്കും ഈ സംഗതിയെപ്പററി എന്തെങ്കിലും അഭിപ്രായം പറയാതിരിക്കാൻ നിവൃത്തിയില്ല. ഈ വിഷയത്തിൽ എനിക്കു മി. ഹൂഗവർഫിൻെറ അഭിപ്രായത്തോടു യോജിക്കാൻ നിവൃത്തിയില്ലാതിരിക്കുന്നു. അദ്ദേഹം വളരെ നല്ല ഉദ്ദേശത്തോടുകൂടിയാണ് ഈ ഭേദഗതി കൊണ്ടുവന്നിട്ടുള്ളത്. ആ ഉദ്ദേശത്തോടുകൂടിതന്നെയാണ് മി: എ. ജി. മേനവൻ അതിനെ ബലമായി പിൻതാങ്ങി പറഞ്ഞതും. തറവാടുകളിൽനിന്നും ആളംവീതംകൊടുത്തു സ്ത്രീകളെ പിരിച്ചയയ്ക്കുന്ന കാലത്ത് അവരുടെ രക്ഷ ഭർത്താവിലാണു സ്ഥിതിചെയ്യുന്നത്. ആ നിലയിൽ ഏകഭാര്യാവ്രതം അനുഷ്ഠിച്ചില്ലെങ്കിൽ അവർക്കു രക്ഷയില്ലാതെ വരുമെന്നുള്ള വാദത്തിനു വേണ്ട പോലെ ശക്തിയുണ്ടെന്നു ഞാൻ സമ്മതിക്കുന്നു. എന്നാൽ ഏകഭാര്യാവ്രതത്തിലുള്ള ഗുണദോഷങ്ങളെപ്പററി ചിന്തിക്കുന്നതായാൽ രണ്ടുഭാഗത്തും ധാരാളം ന്യായങ്ങൾ പറയാവുന്നതാണ്. ഇന്നത്തെ സ്ഥിതിയിൽ നായർ സമുദായത്തിന് ഏകഭാര്യാവ്രതം സ്വീകരിക്കേണ്ട അത്യാവശ്യം ഉണ്ടോ എന്നാണ് നോക്കേണ്ടതു. ൧൦൮൮-ൽ നായർ റെഗ്ഗുലേഷൻ ഉണ്ടാകുന്നതിനു മുമ്പിൽ ബോധിച്ചമാതിരി ഭാര്യയെ ഉപേക്ഷിക്കാമെന്നും എത്ര ഭാര്യമാരേയും വച്ചുകൊണ്ടിരിക്കാമെന്നും നടപടി ഉണ്ടായിരുന്നു. എന്നിട്ടും അക്കാലത്തും ബോധിച്ചമാതിരി ഭാര്യയെ ഉപേക്ഷിക്കയെന്നും ഏകകാലത്തു ഒന്നിൽ കൂടുതൽ ഭാര്യമാരെ വച്ചുകൊണ്ടിരിക്കയെന്നും ഉള്ള ഏർപ്പാടു വളരെ വളരെ അപൂർവ്വമായിട്ടേ ഉണ്ടായിരുന്നുള്ളു. ആ കാലത്തു തന്നെ ഒന്നിൽ കൂടുതൽ ഭാര്യമാരെ സ്വീകരിച്ചിട്ടുള്ള

[Mr. T. Kumara Pillai.]

ദൃഷ്ടാന്തങ്ങൾ എടുക്കുന്ന പക്ഷം അവ പലേ സംഗതികളിലും അത്യാവശ്യങ്ങളാൽ വന്നുപോയിട്ടുള്ളതാണെന്നു കാണാവുന്നതാണ്.

൧൦൮൮ൽ നായർ റഗുലേഷൻ പാസ്സായതിൽ പിന്നീടു വിവാഹബന്ധത്തെ കൂടുതലായി ബലപ്പെടുത്തുകയും, പുരുഷന്മാരുടെ ചുമതലകളെ വർദ്ധിപ്പിക്കുകയുമാണ് ചെയ്തിട്ടുള്ളത്. ഈ കാരണങ്ങളാൽ ഭാര്യയെ ഉപേക്ഷിക്കുകയും ഏകകാലത്ത് ഒന്നിൽ കൂടുതൽ ഭാര്യമാരെ വച്ചുകൊണ്ടിരിക്കയും ചെയ്യുന്ന ഏർപ്പാടു വീണ്ടും വളരെ കുറഞ്ഞു വരികയാണ് ചെയ്തിട്ടുള്ളത്. നായന്മാരുടെ ഇന്നത്തെ സ്ഥിതി പലേ വ്യത്യസ്തങ്ങളോടു കൂടിയാണ് നിൽക്കുന്നതു. ജീവിതമത്സരത്തിലുള്ള വിഷമതകൾ ഓരോ ദിവസവും വർദ്ധിച്ചു വരുന്നു. അതിലേക്ക് ഏററവും യോജിപ്പായി തൊഴിലില്ലാത്തവരുടെ സംഖ്യ ഓരോ ദിവസവും അപരിമിതമായി വർദ്ധിച്ചുവരുന്നു. ഇതിനുപുറമെ ഇപ്പോൾ നിയമസഭയുടെ പര്യാലോചനയിലിരിക്കുന്ന ബില്ലിൽ അന്തർഭവിച്ചിട്ടുള്ള തത്വങ്ങളാൽ ഓരോരുത്തരും അവരവരുടെ സ്വന്തം കാലുകളിൽ നിന്നുകൊള്ളണമെന്നാണ് നിശ്ചയിച്ചിട്ടുള്ളത്. ഈ സ്ഥിതിയിൽ ഒരാൾ വിവാഹം ചെയ്വാൻ ആലോചിക്കുമ്പോൾ ആ ഭാരം വഹിക്കാൻ തന്നാൽ ശക്തിയുണ്ടോ എന്ന് വേണ്ടപോലെ നിശ്ചയം വരുത്തിയതിൽ പിന്നീട്ട് മാത്രമേ അതിലേയ്ക്കു പുറപ്പെടാൻ നിവൃത്തിയുള്ളു. വിവാഹം ചെയ്തുപോയാൽ ആ ഭാര്യയെ ഉപേക്ഷിക്കുന്നതായാൽ തക്കതായ പ്രായശ്ചിത്തം കെട്ടിവയ്ക്കണമെന്ന് ഇപ്പോൾ നിയമത്താൽ നിർബന്ധിക്കയും ചെയ്തിട്ടുണ്ട്. ഈ സംഗതികളും നിയമനിഷ്കർഷകളും ഒന്നിച്ചു കൂട്ടിച്ചേർത്തു നോക്കുമ്പോൾ ഒരാൾക്ക് ഒന്നിൽ കൂടുതലായി ഭാര്യമാരെ വച്ചുകൊണ്ടിരിക്കുവാൻ സാധിക്കാതെ വരുന്നതാണ്. ഇങ്ങനെയിരിക്കെ അസാധാരണസംഗതികളിൽ ഉപയോഗിക്കാൻ ഉപകരിക്കുന്നതായ ഒരു അവകാശത്തെ കളയേണ്ട അവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല.

ഈ അവസരത്തിൽ മറെറാരു സംഗതികൂടി പറയാനുള്ളത് കൌൺസിലിൽ ഹാജരാക്കിയതായ നായർ ബില്ലിനെ പററി പര്യാലോചിച്ച് റിപ്പോർട്ടു ചെയ്വാനേൽപ്പിച്ചതു ൧൯ അംഗങ്ങൾ അടങ്ങിയതായ ഒരു സെലക്ട് കമ്മററിയെയാണ. ഒരു സമുദായത്തിലെ പലേ അഭിപ്രായവ്യത്യാസങ്ങളും ആ മാതിരി ഒരു ബില്ലിൽ ഉൾപ്പെടുത്തുവാൻ ഒരിക്കലും സാധിക്കുന്നതല്ല. സാമുദായികനിയമങ്ങളിൽ ഓരോ പക്ഷക്കാരും മററു പക്ഷക്കാരുടെ അഭിപ്രായങ്ങളെ ബഹുമാനിച്ച് അങ്ങോട്ടും ഇങ്ങോട്ടും രാജിപ്പെടേണ്ടതായി വരുന്നതാണ്. സെലക്ററ് കമ്മി

ററിയിൽ അങ്ങനെയാണ് ചെയ്തിട്ടുള്ളതു. അതിൻെറ ഫലമായി രൂപീകരിച്ചിട്ടുള്ള ബില്ലാണ് ഇപ്പോൾ നിയമസഭയുടെ മുമ്പാകെ പര്യാലോചനയിലിരിക്കുന്നത്. അങ്ങനെ വന്നിട്ടുള്ള ബില്ലിൽ മുമ്പ് ഓരോരുത്തർക്കും ഉണ്ടായിരുന്നതും സെലക്ററ കമ്മററിയിൽ വച്ച് വേണ്ടപോലെ പര്യാലോചിച്ചിട്ടുള്ളതുമായ സംഗതികളെ വീണ്ടും കൌൺസിലിൻെറ പര്യാലോചനയ്ക്കു കൊണ്ടുവരുന്നതായാൽ എല്ലാവരുടേയും എല്ലാ അഭിപ്രായവ്യത്യാസങ്ങളേയും ചിന്തിക്കേണ്ടതായി വരുന്നതാണ്. അതിനിടയാകുന്നപക്ഷം പലേ അവുകടങ്ങളും വന്നേക്കാവുന്നതാണ്. ഇതുകൊണ്ടു ബില്ലിൽ പ്രധാനമായ അഭിപ്രായവ്യത്യാസങ്ങളേയോ ഭേദഗതികളേയോ കൊണ്ടുവരുന്നതിൽ ഞാൻ ആക്ഷേപിക്കുന്നില്ല. ഈ ബിൽ വേണ്ടപോലെ പര്യാലോചിച്ച് ഈ കൌൺസിലിൽ തന്നെ പാസ്സാക്കണമെന്നുള്ള നായന്മാരുടെ ന്യായമായ ആഗ്രഹം സാധിക്കുന്നതിൽ പ്രതിബന്ധം വരാൻ പാടില്ലെന്നു മാത്രമെ ഞാൻ പറയുന്നുള്ളു. ഏകഭാര്യാവ്രതത്തെ സ്വീകരിക്കുന്ന സംഗതിയിൽ ബലമായ ഒരു വിപരീതകക്ഷിയുള്ളതാണ്. അവരുടെ അഭിപ്രായങ്ങളെ ബഹുമാനിക്കാതെ തരമില്ല. ഒരാൾ ഒരു സ്ത്രീയെ സംബന്ധം ചെയ്ത് നാലഞ്ചു കുട്ടികൾ ഉണ്ടാകുന്നു. അതിൽപിന്നിട്ട് ആ സ്ത്രീയ്ക്കു ഭ്രാന്തോ തീരാത്ത സുഖക്കേടോ ഉണ്ടാകുന്നു എന്നിരിക്കട്ടെ. അങ്ങനെ വരുന്ന സംഗതികളിൽ ആ ഭാര്യയുടേയും കുട്ടികളുടേയും പേരിലുള്ള സ്നേഹബന്ധത്താൽ വേറെ വിവാഹം ചെയ്യാതെ ആ ഭാര്യയേയും കുട്ടികളേയും വേണ്ടപോലെ സംരക്ഷിച്ചുപോരുന്ന ദൃഷ്ടാന്തങ്ങൾ എനിക്കറിയാവുന്നതാണ്. അതുപോലെ തന്നെ അങ്ങനെ വരുന്ന അവസരങ്ങളിൽ ഭാര്യയുടെ പേരിലുള്ള സ്നേഹത്താൽ അവരെ ഉപേക്ഷിക്കാൻ സമ്മതമില്ലാതെ അവരേയും അവരുടെ കുട്ടികളേയും അയാളേയും ശുശ്രൂഷിക്കുന്നതിന് വേറെ വിവാഹം ചെയ്യുന്ന ദൃഷ്ടാന്തങ്ങളും ഞാൻ കണ്ടിട്ടുണ്ട്. ഏകഭാര്യാവ്രതം നിയമത്താൽ നിഷ്കൎഷിക്കുന്ന പക്ഷം ഒരാൾ അതിയായി സ്നേഹിച്ചു വരുന്ന ഭാര്യയെ നിയമത്താൽ ഉപേക്ഷിച്ചല്ലാതെ വേറെ വിവാഹം ചെയ്യാൻ പാടില്ലെന്നു വരുന്നതിൽ പലൎക്കും സങ്കടമുള്ളതാണ്. ആ ന്യായമായ വാദത്തെ കൌൺസിലിൽനിന്ന് ആദരിക്കയാണ് വേണ്ടതു്.

മറെറാരു സംഗതികൂടി ഈ അവസരത്തിൽ പറയാനുള്ളതു് നായർ റഗുലേഷൻ ഈ കൌൺസിലിൽനിന്നു പാസ്സാകുന്ന മാതിരി തന്നെ എല്ലാക്കാലവും ഇരിക്കണമെന്നു നിർബന്ധമുള്ളതല്ല. ഈ നിയമം നായന്മാരുടെ ഇടയിൽ എങ്ങനെ നടക്കുന്നുവെന്നുള്ള പരിശോ

[Mr. A. Hoogewerf.]

ധനയിൽ ഏകഭാര്യാവ്രതം സ്വീകരിക്കേണ്ടതാണെന്നു കാണുന്നപക്ഷം അപ്പോൾ അതിലേക്ക് നിയമസഭയിൽ ഒരു ഭേദഗതിപ്രമേയം ഹാജരാക്കി അതു സാധിക്കാവുന്നതാണ്. അതുകൊണ്ട് ഇപ്പോൾ ഞാൻ അദ്ദേഹത്തിന്റെ അഭിപ്രായത്തെ ബലമായി എതിർക്കുന്നു.

MR. A. HOOGEWERF (*Nominated*): Sir, before I go into the matter under discussion I have a personal explanation to make. Some of my friends here may think in their heart of hearts that I am poking my nose into a legislation that does not concern me. Mr. Krishna Aiyangar in a way insinuated that I am a Christian and I can view the matter only from the Christian point of view.

PRESIDENT: There is no insinuation.

MR. A. HOOGEWERF (*Nominated*): At any rate he said that I am a Christian and I would have my Christian angle of vision.

PRESIDENT: That is a fact, you are a Christian.

MR. A. HOOGEWERF (*Nominated*): I stand here, Sir, as I said, as a member of this Council and not merely as a Christian. I am for the purpose of this debate a member of this Council just like anybody else. If I have no voice in this matter, I think Mr. Krishna Aiyangar, who is a Brahmin, has also no voice in this matter.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I think I must make a personal explanation. I never said so. As a matter of fact, we have all been listening very attentively to his powerful voice.

MR. A. HOOGEWERF (*Nominated*): It was at the request of some of my leading Nayar friends that I made up my mind to speak on this subject. I am born in a Nayar country; I am proud to have served under Nayar officials two of whom are seated in the visitors' gallery on my left. I have, as my best friends, Nayars, including the mover of the bill, whom I look upon as a true patriot. My family has been serving this State for four generations and had something to do with its making. In fact I am practically a Nayar in sympathies. The Nayars are probably the cleanest people in the world. I only want that their legislation should have no taint but be clean as themselves. Now, Sir, I thought that my statements would fall upon deaf years. But from a perusal of the agenda paper I find that half the number of Nayar members have been sending up similar amendments. This is a great strength to me. If monogamy is the practice I cannot see why we should not have legislation sanctioning it. The Ezhavas accepted monogamy not because polygamy was rampant but because the intelligentsia of the community wanted it. The Nayar Congress, whose resolutions are made so much of, has declared openly at Vaikam, where thousands of Nayars

were gathered, that they wanted monogamy. I think that is a very great and weighty pronouncement. We make so much of the other resolutions. Why not then give this also its due weight? The objection as far as I can gather from the speeches of my Nayar friends is that the community is not prepared to accept monogamy. This was the cry when the questions of divorce and conversion were discussed in this House. But this Council in spite of it accepted the amendment. There was a regular flutter in the dove-ctes when it was passed and it was said that the bottom was knocked out of the Nayar Regulation. But from yesterday's and to-day's discussion here we find the bottom is still there. The angle of vision is gradually changing with regard to divorce which was so much talked of. In regard to monogamy, the sense of the community was not ascertained by a roving commission. Custom seems decidedly to be in favour of it. Cochin has accepted it, and they are our brothers and neighbours. Why should we then go to Africa or Persia or China for analogy? All the advanced nations are monogamists. Even independent of the sense of the community, as the elected members here are the leaders of the intelligentsia and of the community, they should not only reflect the views of the people but also often lead them. Custom is changing every day, and when we are not quite sure what exactly is the sense of a community on a certain question, we have to do what is right and proper. If legislation has to follow custom it shall be quite in the fitness of things if we follow it and legislate according to the present custom.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I would like to ask Mr. Hoogewerf which he would favour more—compulsory monogamy or absolute prohibition of divorce.

Mr. A. HOOGEWERF (*Nominated*): I do not hear.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I would like to know which one of these Mr. Hoogewerf would favour—compulsory monogamy or absolute prohibition of divorce.

Mr. A. HOOGEWERF (*Nominated*): He knows my views on this matter. I stoutly oppose divorce and I approve monogamy. There are good customs and bad customs and it should be the duty of the leaders to choose between the two. I plead for the wife and children. These are some of the reasons that I have to put forward and I ask my friends with a clean and unbiassed mind to forget for the time being that am a Christian and to vote on this important question which deeply concerns the welfare of the community.

The motion that, in line 1, after the word 'female' the words '*or a male*' be added was put to the vote and carried, 19 voting *for* and 14 *against*.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I ask for a poll.

[Mr. T. K. Velu Pillai.]

A poll was taken with the following result:

AYES.—19.

1. Mr. A. J. Van Ross.
2. ,, I. C. Chacko.
3. ,, R. Dhanukoti Pillai.
4. ,, K George.
5. ,, R. Krishna Pillai.
6. ,, M. Udaya Varma Raja.
7. ,, J. John Nidiry.
8. ,, P. T. Thomas.
9. ,, K. Dominic Tomman.
10. Mr. Joseph Panjikaran.
11. ,, C. Sankara Menon.
12. ,, G. Paramesvaran Pillai.
13. ,, Tariatu Kunjitomman.
14. ,, V. Kunjukrishna Pillai
15. ,, L. R. Raja Raja Varma Koil Tampuran.
16. ,, M. K. Khadir Pillai.
17. ,, A. Hoogewerf.
18. ,, A. Govinda Menon.
19. Mr. T. M. Chidambaratanu Pillai.

NOES.—14.

1. Mr. K. Paramesvaran Pillai. (*Ag. Director of Agriculture and Fisheries*).
2. ,, R. K. Krishna Pillai.
3. ,, S. Paramesvara Aiyar.
4. ,, V. Subba Aiyar.
5. Rao Bahadur K. A. Krishna Aiyangar.
6. Mr. T. K. Velu Pillai.
7. Mr. M. N. Pillai.
8. ,, P. K. Narayana Pillai.
9. ,, T. Kumara Pillai.
10. ,, N. Padmanabha Pillai.
11. ,, N. Ramakrishna Pillai.
12. ,, K. Paramesvaran Pillai. (*Tiruvalla.*)
13. ,, T. Lakshmana Pillai.
14. ,, C. P. Kochukunju Pillai.

The motion was declared carried.

MR. M. K. KHADIR PILLAI (*Nominated*): Are there any neutrals?

PRESIDENT: I will count the neutrals also.

NEUTRALS.—6.

1. Mr. J. Stephenson.
2. ,, M. Raja Raja Varma.
3. ,, S. T. Ponnuswami Pillai.
4. Mr. M. R. Madhava Variar.
5. ,, N. Kumaran.
6. ,, P. Paramesvaran.

The House rose at 6-6 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

FIRST SESSION, 1099.

Wednesday, 11th June, 1924.

(OFFICIAL REPORT.)

The Council met again in the Victoria Jubilee Town Hall at Eleven Thirty-five of the Clock, with the President in the Chair.

NEW MEMBER.

The following member was sworn in:

MR. O. S. Ramaswami Aiyar B. A., B. E., C. E. (*Nominated*).

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Castewar Statement of Women Teachers.

312. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to place on the table a castewar statement showing the number of permanent women teachers, with their salaries, employed in English Schools for Girls, including the Higher Grade Training School for Women?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The statement* required by the member is laid on the table.

Allotment for the Maintenance of certain Roads.

313. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to state the sanctioned annual expenditure per mile for the maintenance of the following roads:—

* *Vide* appendix I—page 1092.

G. P. T. 4233. 314. 2-8-24.

[Mr. T. Kumara Pillai.]

(1) Surlakod-Mekkod road;
(2) Kulasekharam-Mekkod road;
(3) Mekkod-Padmanabhapuram road;
(4) Mekkod-Verkilampu road;
(5) Verkilampu-Azhakiyamandapam road; and
(6) Verkilampu-Elantayampalam road?

(b) Are the Government aware that the transport of timber, fuel, etc., from the forests in the Kalkulam taluk is mainly along the roads mentioned above?

(c) Has the Public Works Department informed the Government that an amount equal to that sanctioned for the maintenance of other roads would not be adequate for the maintenance of the roads mentioned above?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(a) The maintenance grants per mile for the roads mentioned by the member are as follows:

	Rs.
(1) Surlakod-Mekkod road ...	250
(2) Kulasekharam-Mekkod road ...	140
(3) Mekkod-Padmanabhapuram road ...	140
(4) Mekkod-Verkilampu road ...	100
(5) Verkilampu-Azhakiamandapam road...	100
(6) Verkilampu-Elantayampalam road ...	100

(b) Yes. The roads are subject to fairly heavy traffic.

(c) Yes; in regard to the Mekkod-Padmanabhapuram road.

Exhibits of the Agricultural Department at the Exhibition.

314. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): What were the new articles exhibited by the Agricultural Department in the Agricultural Section of the Trivandrum Exhibition, besides those that have long been in existence in this country and produced by the agriculturists here?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A statement* giving the required information is laid on the table.

Surgical Operations in the General Hospital.

315. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): (a) Will the Government be pleased to state the number of major operations performed by Dr. K. Raman Tampi in the General Hospital from Makaram, 1097, to Makaram, 1098?

(b) What were the diseases in respect of which those operations were performed?

(c) How many of them were successful?

*Vide appendix II—page 1095.

(*d*) How many major operations were performed by Dr. Ponnuswami Pillai from Kumbham, 1098, to Vrischikam, 1099?

(*e*) What were the diseases in those cases?

(*f*) How many of them were successful?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Statements* furnishing the required information are laid on the table.

Unsuccessful Surgical Operations by Dr. Ponnuswami Pillai.

316. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): (*a*) Will the Government be pleased to state whether in Vrischikam, 1099, a patient who was operated upon in the General Hospital met with instant death as the result of a subsequent operation performed on him by Dr. Ponnuswami Pillai?

(*b*) What was the disease for which he was operated upon originally?

(*c*) Who performed that operation?

(*d*) For what disease was the subsequent operation performed?

(*e*) Who were the medical officers who helped Dr. Ponnuswami Pillai at the time of the second operation?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) to (*d*) A patient was operated upon by Dr. Ponnuswami Pillai, for strangulated hernia of four days' duration with bad symptoms. The patient died. There was no second operation.

(*e*) The question does not arise.

Transhipment of Cargo at the Alleppey Port.

317. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to state:

(*a*) how many tons of cargo were landed from and loaded into steamers and Indian craft at the port of Alleppey during 1097 and 1098 by boats owned by merchants and non-merchants, respectively;

(*b*) how many lighters are owned by merchants and non-merchants respectively;

(*c*) how many complaints of loss of cargo were preferred by *tindals* of lighters owned by merchants and non-merchants, respectively, during 1097 and 1098, and what was the amount of loss involved in each case;

(*d*) how much of the loss occurred during night time;

(*e*) for how many days in 1098 the lighters were allowed to ply at night; and

(*f*) whether boats are allowed to ply during night in the Cochin Port, and if not, how the authorities there manage to restrict the shipping to day-time?

* *Vide* appendix III A and B—pages 1094 and 1095.

[Mr. Joseph Panjikaran.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) No separate records are maintained.

(*b*) The number of cargo boats owned by —

(1) merchants—12

(2) non-merchants—19

(*c*) The number of protests noted by *tindals* of boats owned by—

(1) merchants—*nil* in 1097 and 14 in 1098.

(2) non-merchants— 22 in 1097 and 49 in 1098. No information is available as to the amount of loss involved.

(*d*) Five in 1097 and 10 in 1098.

(*e*) 16.

(*f*) Boats are allowed to ply at night in the Cochin Port. No restriction is placed on shipping during day-time unless bad weather sets in.

Roman Catholic Graduates in the Land Revenue Commissioner's Office.

318. MR. JOSEPH PANJIKARAN (*Shertallai*): Will the Government be pleased to state:

(*a*) the number of Roman Catholic graduates, if any, entertained in the Land Revenue Commissioner's office after the separation of Devaswoms from the Land Revenue Department; and

(*b*) if any such Roman Catholics have been entertained, the period of their service?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) Two, *viz.*, Messrs. T. J. Zachariah and S. Francis.

(*b*) The service of Mr. Zachariah in the Land Revenue Commissioner's office was 3 months and 19 days from the 14th Minam, 1098. He had a break of ten days during that period.

The first appointment of Mr. Francis was sanctioned by Government on the 8th May, 1924.

Appointment of a Brahmin Graduate in the Land Revenue Commissioner's Office.

319. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Is it a fact that a Brahmin graduate was appointed to a vacancy in the Land Revenue Commissioner's office in Makaram, 1099?

(*b*) What is the name of that graduate?

(*c*) Was he ever in the Travancore Government service?

(*d*) Is he a Travancorean?

(*e*) When did he graduate?

(f) Why was not the Catholic graduate who had been acting for about six months appointed in that vacancy?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) The answer is in the negative.

(b) to (f). These questions do not arise in view of the answer to part (a).

Medals in the Ayurveda College.

320. MR. JOSEPH PANJIKARAN (*Shertallai*): (a) Have the officials of H. H. The Maha Raja's Palace handed over to the Government a sum of money for awarding medals to the candidates who annually head the lists of successful candidates in the Ayurveda examination?

(b) When was this trust instituted?

(c) Will the Government be pleased to give the names of the medal-winners with the year and the date on which these medals were presented?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) Yes.

(b) In 1094 M. E.

(c) The medals were presented to the winners on the 12th Kumbham, 1099. The names of the winners are given below with the years.

1. K. Madhava Kurup (1094).
2. T. K. Raman Pillai (1095).
3. K. N. Kesava Pillai (1096).
4. K. Kunjuraman (1097).
5. K. Paramesvaran Pillai (1098).

MR. JOSEPH PANJIKARAN (*Shertallai*): With respect to the answer to part (c) of my question, may I know why the medals were not given to the winners in due course every year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Information as to the cause of the delay has been called for from the Director of Ayurveda.

Complaints against Mr. Sadasivan Pillai, Fishery Inspector.

321. MR. JOSEPH PANJIKARAN (*Shertallai*): (a) Have the Government received any complaint against Mr. Sadasivan Pillai, the Fishery Inspector of Vaikam?

(b) How many complaints were received against him?

(c) What were the dates of the first and the last complaints against this officer?

(d) What enquiries have the Government made concerning the allegations contained in those complaints and with what result?

[Mr. K. George.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) to (*d*). No complaint has been received by the Government against Mr. Sadasivan Pillai, now Fishery Sub-Inspector of the Fish-curing Yard at Alleppey. Some petitions are reported to have been received by the Director of Agriculture and Fisheries against the Sub-Inspector in 1098 and 1099 while he was the Fishery Sub-Inspector at Vaikam. These were enquired into by the Fishery Inspector at Alleppey and the enquiry is said to have elicited nothing against the Sub-Inspector.

Complaint against Mr. P. Raman Pillai, Additional Munsiff, Shertallai.

322. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Have the Government or the High Court received any complaint against Mr. P. Raman Pillai, Additional Munsiff at Shertallai?

(*b*) Have the Government made any enquiries into those complaints, and, if so, with what result?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) Government have received a complaint. They have no information whether the High Court have received any complaint.

(*b*) Government have forwarded the complaint to the High Court.

MR. JOSEPH PANJIKARAN (*Shertallai*): With respect to answer to part (*b*) of my question, may I know whether the petition was only *forwarded* or whether it was *forwarded for enquiry* and report?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It was forwarded for *disposal*.

Dues from Mr. G. Ramabhadra Aiyar, Tahsildar.

323. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Is any sum of money due to the Government from Mr. G. Ramabhadra Aiyar, the present Tahsildar of Tovala?

(*b*) How long has it been due?

(*c*) Has any amount been realised from him till now?

(*d*) What is the balance still due?

(*e*) What is the method employed by the Government in realising this debt?

(*f*) How did this debt originate?

MR. K. GEORGE (*Financial Secretary to Government*): (*a*) Yes. A sum of Rs. 1,639-11-2 has been ordered to be recovered from Mr. Ramabhadra Aiyar.

(*b*) The recovery was ordered in Minam 1097.

(*c*) A sum of Rs. 1,119-18-0 has been recovered from the officer till the end of Minam 1099.

(*d*) The balance due to be recovered is Rs. 519-21-2.

(*e*) The amount is being recovered from the officer's salary in monthly instalments of Bh. Rs. 50.

(*f*) The recovery is on account of the loss the Government sustained in the rice sale transactions of the Alwaye Municipal Council, of which Mr. Ramabhadra Aiyar was the President at the time.

Mr. A. V. Narasimha Aiyar, Ag. Assistant Account Officer on Leave.

324. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Has Mr. A. V. Narasimha Aiyar, Ag. Assistant Account Officer, been granted one year's leave?

(*b*) Is it preparatory to retirement?

(*c*) Is he allowed to take up any private work during this one year?

(*d*) Has he actually taken up any work?

(*e*) Do the Government know the nature of the work, if any, taken up by him?

(*f*) Has Dewan Bahadur Mr. Krishnan Nair made any statement in writing concerning Mr. Narasimha Aiyar's promotion while he was a Superintendent in the Account Office?

MR. K. GEORGE (*Financial Secretary to Government*):

(*a*) Yes. Combined privilege leave and furlough for one year with effect from the 23rd Dhanu 1099.

(*b*) Government have no information.

(*c*) Yes.

(*d*) and (*e*) Government have no information.

(*f*) No.

Operations in the Women and Children's Hospital, Taikad.

325. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) How many difficult labour operations were performed in the Women and Children's Hospital in 1098?

(*b*) How many of these operations were successful?

(*c*) How many ended fatally?

(*d*) How many of these operations were performed by the Lady Doctor in charge of the hospital herself?

(*e*) Has any operation performed by her proved fatal?

(*f*) How many of these difficult labour operations were done by her assistants?

(*g*) Will the Government be pleased to state the names of her assistants, with the number of operations performed by each, and the results thereof?

(*h*) Was the help of the Darbar Physician applied for in any of these dfficult labour operations?

[Mr. Joseph Panjikaran.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) 70.
(*b*) 68.
(*c*) 2.
(*d*) 7.
(*e*) None.
(*f*) 63.
(*g*) *Vide* statement given below:

Names.	No. of operations.	No. cured.	No. died.
Miss I. Gomez ...	22	21	1
Mrs. V. S. Alweyn ...	10	10	Nil.
Miss L. Gomez ...	12	12	Nil.
Miss A. Thompson ...	5	5	Nil.
G. Kalyani Amma ...	14	13	1

(*h*) No.

Kallar Scheme.

326. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) What was it that induced the Government to carry on further negotiations with the Madras Government regarding the Kallar Scheme?

(*b*) What are the indisputable facts alluded to in the Dewan's Assembly Address of 1099, which the Madras Government misunderstood, regarding the Kallar Scheme?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The member is referred to the Dewan's Address at the last session of the Assembly, paragraph 35.

(*b*) The Madras Government stated that the fall on the Travancore side is only 250 ft. as against the 600 ft. which they assumed during the negotiations of December 1922. This assumption was wrong. The fall on the Travancore side is not 250 ft., but is something like 750 ft. This was pointed out to the Madras Government.

Work of P. W. D. Special Officer at Shertallai.

327. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Has the special officer posted to Shertallai, for improving the means of communication in that taluk, made any suggestions till now?

(*b*) Has he prepared any new estimates?

(c) Has he submitted any estimate for opening the canal connecting the *padinjarepozhi* with the Muttam backwater?

(d) Is it a fact that he has been continually requesting the Government or the Chief Engineer for a transfer from that place?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) The P. W. D. Officer at Shertallai is a Section Officer and not a Special Officer. He is not expected to make suggestions of the kind referred to by the member.

(b) The Section Officer has submitted an estimate for Rs. 21,260 for improving and extending the Puthen *thodu* at Tannirmukkam and it is under the consideration of the Government.

(c) No. The Section Officer is now prospecting the line.

(d) No.

Clients' Shed attached to the Attingal Munsiff's Court.

328. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (a) Are the Government aware that a building known as the 'clients' shed' attached to the Attingal Munsiff's Court was in existence for the use of clients?

(b) Has that shed been converted into a clerks' room for the Munsiff's Court?

(c) Are the Government aware that subsequently clients were using the bandy shed attached to the court as a shelter?

(d) Are the Government aware that that bandy shed has also been converted into another clerks' room leaving the clients to wander about and to loiter in the court verandah, causing much inconvenience to the court and the client population?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (a) to (d) Government have no information.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the Government call for the necessary information from the Attingal Munsiff's Court?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

Munshies in English Schools.

329. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the Government be pleased to lay on the table a list showing—

(a) the names and number of vernacular *munshies* in English High Schools with their age, qualification, salary, date of first appointment and service; and

(b) how many of them have been granted extension of service, regardless of their age, date of appointment, etc.?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (a) The statement* required by the member is laid on the table.

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* *Vide* appendix IV—pages 1096 to 1099.

[Mr. K. Dominic Tomman.]

(b) No. 30 in the statement alone was granted an extension of service for one year from the 5th Kumbham, 1099, on which date he completed his fifty-fifth year of age.

Headmasters of English High Schools complained against.

330. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the Government be pleased to place on the table a list showing the names of the Headmasters of English High Schools against whom representations have been made by the public by means of telegrams, memorials, resolutions and deputations, showing the nature of the complaint in each case?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The answer is in the negative.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Are not the Government in receipt of complaints against the Headmasters of Attingal and Kottarakara English Schools?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Complaints have been received against more than one Headmaster. But it is difficult to say whether complaints have been received against any particular Headmaster unless a question concerning him is specifically put.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Are the Government in receipt of complaints against those two Headmasters?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I claim notice.

Refusal by the Secretary, Public Library, of the Presentation Copy of a Book.

331. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Is it a fact that the officer in charge of the Trivandrum Public Library has returned a copy of the book "The Brahmin Peril" to its author, Mr. C. N. Madhavan Pillai, who presented it to the library, and, if so, why?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes; in accordance with the decision of the Library Committee.

Suits against the Sirkar in the Kottayam District Court.

332. MR. K. DOMINIC TOMMAN (*Peermade* cum *Devicolam*):

(a) Will the Government be pleased to state the number of civil suits filed against the Sirkar in the Kottayam District Court to set aside the decisions of the No. 4 Party Settlement Officer in the *cherikkal* cases of the Kanjirapalli *pakuthi* in the Changanachery taluk, which now forms the Kanjirapalli north and south *pakuthies*?

(b) How many of such suits were decreed against the Government and how many suits were compromised by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) 39.

(b) Sixteen suits were decreed against the Government and five were compromised.

Complaints against Income Tax Officers.

333. MR. JOSEPH PANJIKARAN (*Shertallai*): (a) Have the merchants of Changanachery and Atirampuzha sent separate resolutions to the Government pointing out the hardships they are subjected to, owing to the arbitrary way in which income tax officers discharge their functions?

(b) Have the Government made any inquiries into the allegations contained in the resolutions of the traders of the Changanachery and Atirampuzha submitted to them?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(a) Yes.

(b) A report has been called for from the Income Tax Commissioner in both the cases.

Estimate of Taxable Income.

334. MR. JOSEPH PANJIKARAN (*Shertallai*): Is it a fact that, in estimating taxable income, the income tax officers estimate it as varying from 5 to 10 per cent. of the capital outlay?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In cases where accounts are not properly kept or where the value of stock at the beginning and at the end of the year is not ascertainable, the collectors of income tax have to resort to the method of arriving at the profits at so much per cent. of the total turnover of the business. The percentage varies with the class of business and the place where it is carried on.

Entries made by Income Tax Officers in Account Books.

335. MR. JOSEPH PANJIKARAN (*Shertallai*): Do the income tax officers make entries in the account books of traders to the effect that those books are not trustworthy?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is reported that no instance of the kind has come to the notice of the Income Tax Commissioner.

Assessment of Income Tax from the Merchants of Changanachery and Atirampuzha.

336. MR. JOSEPH PANJIKARAN (*Shertallai*): (a) How many assessees are there for the current year from among the merchants of Changanachery and Atirampuzha?

(b) What is the amount of tax sought to be realised from them?

(c) Will the Government be pleased to state the number of assessees whose account books were believed in and acted upon and the number of assessees whose books were not so believed in? In the latter

[Mr. V. Subba Aiyar.]

class of cases, do the officers concerned state any reasons for disbelieving the accounts?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) 37.

(*b*) Rs. 5,675, chs. 4.

(*c*) Such information is confidential and cannot be disclosed. Collectors have instructions to record reasons for non-acceptance of accounts.

Rules of Procedure for Bench Magistrates' Courts.

337. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state;

(*a*) whether they are aware that the absence of definite rules regarding the powers of the Magistrates individually and collectively of Bench Magistrates' Courts and the procedure to be adopted by those courts often tend to create difficulties and delay in the trial and disposal of cases; and

(*b*) whether, in view of the above fact, they will see, without delay, to the framing and publication of the rules in question?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Government have no information.

(*b*) The matter will be looked into.

Bill re. Edavakais.

338. MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Will the Government be pleased to state:

(*a*) whether, about two years back, the Vanjipuzha Chief brought to the notice of the Government the necessity for an Edavakai Regulation;

(*b*) whether his request was considered and the Additional Head Sirkar Vakil was directed to draft a Bill; and

(*c*) if so, what progress the work has made since, and when the Bill will be published?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*):

(*a*) Yes.

(*b*) Yes.

(*c*) A Bill has been drafted by the Additional Head Sirkar Vakil and it awaits examination by the Government.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): When can we expect the Bill to come up?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): As early as possible. It cannot come up in the next session; in the session after that, it is likely to come up.

Misappropriation of Funds in the Trivandrum Municipality.

339. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Are the Government aware that a large amount of money was misappropriated by the tax-collectors of the Trivandrum Municipality?

(*b*) What is the total amount of such misappropriation?

(*c*) Who was the President of the municipality when these misappropriations took place?

(*d*) Why were these misappropriations not found out when they took place?

(*e*) What action has been taken against the delinquents?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) Rs. 1,903, chs. 16 and cash 4.

(*c*) There were in all seven cases of misappropriation, of which one occurred in 1094, one in 1098, and 5, which relate to the years 1097 and 1098, were found out in 1099. The names of the Presidents at the different periods are noted below:—

In 1094—Mr. K. Marutanayakam Pillai.
In 1097 and till 26-9-1098—Mr. S. K. Mahadeva Aiyar.
From 27-9-1098 up to date—Mr. K. Padmanabhan Tampi.

(*d*) The cases of misappropriation that occurred in 1094 and 1098 were found out by the then Presidents soon after they took place. The remaining 5 cases of misappropriation were found out only in 1099. The President says that it was not possible to detect them earlier.

(*e*) Of the total amount of Rs. 1903, chs. 16 and cash 4 misappropriated, a sum of Rs. 1,146, chs. 13 and cash 4 was recovered from the subordinates at fault and notices have been issued to the delinquents to pay up the balance. Of the subordinates at fault, one was dismissed and the others were suspended for varying periods by the Presidents concerned.

Admission of all Caste-Hindus to the Vedic Section of the Sanskrit College.

340. MR. C. SANKARA MENON (*Quilon*): Will the Government be pleased to state whether they have taken any, and, if so, what action in pursuance of the promise given by them in the answer to Question No. 230 asked by Mr. V. Kunjukrishna Pillai in regard to the admission of all caste-Hindu students in the Vedic Section of the Sanskrit College? (*Vide* Travancore Legislative Council Proceedings, Vol. II., No. 7, page 963.)

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have sanctioned a new course of Vedic teaching in the Mahopadhyaya Department of the Sanskrit College with a view to provide an academic course of study of the Vedas to pupils of all classes, with effect from the 1st Kanni, 1099.

[Mr. S. Paramesvara Aiyar.]

Financial Aid to Industries.

341. MR. C. SANKARA MENON (*Quilon*): Will the Government be pleased to state:

(*a*) whether the Department of Industries has rendered, since 1096, any financial aid, either by way of grant or loan, to any person or institution that carries on any business, and, if so, the names of the persons or institutions to whom, and the nature of the industries for which, such aid has been given; and

(*b*) the amount paid to each person or institution each year?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Since 1096 the department has rendered no financial aid either by way of grant or loan to any person or institution that carries on any business.

(*b*) In view of the answer to part (*a*), this does not arise.

First Grade Vacancies in the Education Department.

342. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to state the number of vacancies in the first grade in the Education Department (i) at the time of the revision of salaries in the department in 1098, and (ii) at present.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(i) The number of vacancies in the first grade in the Education Department at the time of the revision of salaries was six, of which five were permanent and one temporary.

(ii) The number of vacancies in the first grade in the Education Department at present is 17, of which 11 are permanent and 6 temporary.

Promotions to the First Grade in the Education Department.

343. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to state why the vacancies in the first grade are allowed to remain unfilled for the past one and a half years?

(*b*) Will they be pleased to fill all these vacancies as early as practicable as also temporary vacancies as they occur in the department as in other departments?

(*c*) Had the late Director made any recommendation to the Government with regard to the filling of these vacancies and what action have the Government taken thereon?

(*d*) In the list submitted by the Director, have the names of most of the M. A., L. T.'s in the second grade, been included irrespective of their pay and service?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The matter is under correspondence with the Director of Public Instruction.

(*b*) No undertaking of the kind can be given.

(*c*) and (*d*) The answer is in the affirmative. Mr. Hodgson's proposals have been referred back to Mr. Stephenson.

Proportion between the First and Second Grade Teachers in the Education Department.

344. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to explain why the ratio of 1:2 between the first and second grade teachers was reduced to 1:3 at the time of the last revision of salaries?

(*b*) Will the Government be pleased to restore the old ratio 1:2?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The member is referred to paragraph 10 of G. O. No. Fl. 896, dated the 29th April, 1922.

(*b*) The answer is in the negative.

Enhancement of Political Pensions.

345. MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Will the Government be pleased to state:

(*a*) whether they have not received petitions from most of the families of political pensioners for an increase in their pensions based on the number of individuals participating in the same; and

(*b*) whether they have considered them and contemplate making any provision for the purpose in the budget for 1100 M. E.?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Applications have been received from fourteen families.

(*b*) One of the applications has been disposed of and the others are under consideration.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): In view of the fact that the number of families which have applied for increase of pension is only 14, and that constitutes most of the families in Travancore which are in receipt of pension, will it be taken up as a general question or will it be disposed of separately?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It seems to me, Sir, that it is not a supplementary question.

PRESIDENT: I think it may be considered as a supplementary question.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Then my answer is that there is no necessity for taking it as a general question.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): May I presume that the Government intend to dispose of them only on the basis of the grounds put forward in each petition?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

[Mr. S. Paramesvara Aiyar.]

Agricultural Boards in Kuttanad.

346 MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Will the Government be pleased to state how far the idea of establishing Agricultural Boards in Kuttanad has developed?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In July, 1922, Government asked the Land Revenue Commissioner to take up the question of establishing Irrigation or Agricultural Panchayats to deal effectively with the question of putting up bunds in *punja* lands and of draining such lands before cultivation and to submit detailed proposals with draft rules. A meeting of the people of Kuttanad was held at Alleppey by the Division Peishkar, Quilon, in December, 1923, and at that meeting, a sub-committee was formed to consider the draft rules framed by the Division Peishkar. Two meetings of the sub-committee were held in January and February, 1924, and it is reported that the examination of the draft rules is not yet completed.

Final Order re. Free Pass Rules.

347. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) When did the Government pass final orders on the reports of the Free Pass Rules Committee?

(*b*) Have the Government published the reports of the committee and their final orders in the *Gazette* or furnished the members of the committee with printed copies of the same?

(*c*) Will the Government be pleased to place on the table copies of these papers?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) 31st January, 1924.

(*b*) and (*c*) No report was received by the Government. A set of revised draft rules was received from the convener of the committee signed by all the members, together with the dissenting minutes of two members. The rules with certain modifications were passed by the Government and published in the *Gazette*, dated the 26th February, 1924.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): ഫ്രീപാസ് റൂൾസ് കമ്മിററിയിൽ ഭൂരിപക്ഷക്കാരുടെ റിപ്പോർട്ട് ഗസററിൽ പ്രസിദ്ധപ്പെടുത്തീട്ടുണ്ടോ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): അതാണല്ലോ മറുപടിയിൽ പറഞ്ഞിട്ടുള്ളത്. പ്രത്യേകം ഒരു റിപ്പോർട്ട് കമ്മിററി അയച്ചിട്ടില്ല.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): മിനിട്ട്സ് പ്രസിദ്ധപ്പെടുത്തീട്ടുണ്ടോ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): പ്രസിദ്ധപ്പെടുത്തീട്ടില്ല.

MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): അതിന്റെ പ്രതി മേശപ്പുറത്തു വയ്ക്കാമോ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): ഒരു ചോദ്യമായിട്ട് അതിനെപ്പററി പ്രത്യേകം ചോദിക്കുന്നതായാൽ ഗവൺമെൻറിൽ നിന്ന് ഉത്തരം പറയാവുന്നതാണ്.

Report of the Committee re. Royal Trees.

348. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to direct the committee appointed to consider the question of kudivila on royal trees to submit its report forthwith?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The convener of the committee has been reminded.

Sub-Registrar, Muvattupuzha.

349. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Have the Government received any complaint from the people about the Muvattupuzha Sub-registrar?

(*b*) If so, have orders been issued to the Director of Registration to conduct an enquiry?

(*c*) Has the Director made any local enquiry in pursuance of those orders?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

(*c*) The Director's report is awaited.

Collection of Lower Rates of Fees in the Changanachery Training School.

350. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): (*a*) Will the Government be pleased to state the result of the enquiry into the collection of a lower rate of fees in the Changanachery Higher Grade Vernacular Training School and the consequent loss to the State referred to in the answer given to Question No. 98, asked on the 3rd Makaram, 1099?

(*b*) Will the Government be pleased to mention the nature of the mistake referred to in the answer given to Question No. 98 (*c*) asked on the 3rd Makaram, 1099, and the names of the inspecting officers who committed the mistake?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The matter is still under correspondence with the Director.

[Mr. S. Parameswara Aiyar]

(b) On a reference from the Headmaster of the Changanachery Training School, the then Inspector of Vernacular Schools, Northern Range, Rao Sahib Mr. O. M. Cheriyan, replied that fees should be collected in ten instalments of Rs. 3 each. This was on the basis of an order received from the Chief Inspector of Vernacular Schools, who, however, made no specific mention of the grades of the schools from which fees were to be realised at that rate. The Training School at Changanachery is a Higher Grade one and hence the rate of fees to be realised from that school is Rs. 4½ for each instalment instead of Rs. 3.

Appendix I.

Vide Answer to Question No. 311.

Castewar statement showing the number of permanent women teachers, with their salaries, employed in English Schools for Girls (departmental), including the Higher Grade Training School for Women, Trivandrum.

Caste.	Number of teachers in each case.	Salaries.
Gazetted Staff.		Rs.
Christians ...	23	(300), (190), (165), 3 (155), 2 (145), 2 (105), 3 (100), (80), (75), 5 (55), 2 (50 + 5), (30).
Nayars ...	4	2 (100), (60), (50 + 5).
Non-Gazetted Staff.		
Christians ...	32	3 (60), (55), 2 (50), 6 (45), 2 (40 + 4), (40), 8 (35), 3 (34) and 6 (30).
Nayars ...	8	(55), 2 (45), (40), 3 (35), (30).

Appendix II.

***Vide* Answer to Question No. 314.**

Statement of Exhibits of the Agricultural Department.

I. Samples of chemically pure starch prepared out of—

1. Kachil.
2. Chena.
3. Nanakkizhangu.
4. Cherukizhangu.
5. Chempu.
6. Sweet potato.
7. Tapioca.
8. Arrow-root (white, cultivated).
9. Arrow-root (white, boiled).
10. Arrow-root (yellow, boiled).
11. Kananga.
12. Banana.
13. Talipot palm.
14. Jack fruit seed.
15. Mango seed.

II. Samples of refined oils.

1. Cocoanut.
2. Sesame.
3. Laurel (big).
4. Laurel (small).
5. Marotti.
6. Castor.
7. Odal.
8. Karinjotta.
9. Margosa
10. Iluppai.
11. Puvam.
12 Pungu.
13. Anjili.
14. Chennal.
15. Cashew-nut (shell).
16. Lemon grass.
17. Fish.

III. Preserved food.

Jack fruit in syrup—bottled.
Soft Jack fruit jelly—bottled.
Banana in syrup—bottled.
Banana dried—tinned.
Pine-apple in syrup—bottled.
Do. Do.—tinned.
Cashew-nut in syrup.
Ginger in syrup.
Nutmeg in pickle.
Talipot palm flour.
Talipot palm pearls.
Cycas pearls (small)
Do. Do. (medium)
Tapioca pearls (medium).
Tapioca seed pearls.

IV. Fish Products.

1. Light-cured prawn in bottle.
2. ,, ,, in tin.
3. Brown boot polish prepared out of fish stearine.

V. Fibres (നാരുകൾ).

൧. വെണ്ട
൨. പിലാശ് (ചമത)
൩. ഉന്നം
൪. മുരുത്തോൺ (അഴുകി[illegible]ളു)
൫. അതമ്പ്
൬. ആലം
൭. ചുവന്ന ഉഴുപ്പം
൮. പൂവരശ്
൯. അരണ
൧൦. കുരുന്തോട്ടി
൧൧. വെള്ളത്തഉഴുപ്പം
൧൨. കൊട്ട
൧൩. മരുതി
൧൪. ആവി
൧൫. കൈയ്യൂൺ
൧൬. രുദ്രാക്ഷമരം
൧൭. വലി[illegible] ഉപ്പനച്ചം
൧൮. ഇലവ്
൧൯. കാട്ടുപരുത്തി
൨൦. ഉതി
൨൧. ചെമ്പരുത്തി

Appendix III—A.

***Vide* Answer to Question No. 315.**

Operations performed by Dr. K. Raman Tampi in the General Hospital from 1st Makaram, 1097, to 1st Makaram, 1098.

Serial No.	Disease.	No. operated.	No. cured.	No. relieved.	Discharged otherwise.	No. died.
1	Cancer Tongue	2	2	..	..	..
2	Sarcoma Abdomen	1	..	..	1	..
3	Septic Peritonitis (Infld. Appendicitis)	1	..	..	..	1
4	Prolapse Uterus	1	1	..	..	..
5	Cancer Jaw	4	2	2	..	..
6	Elephantoid Scrotum	5	4	..	..	1
7	Contracture Knee	1	..	1	..	..
8	Chronic Sinus	1	1	..	..	..
9	Enlarged Glands Groin	1	1	..	..	..
10	Intestinal Obstruction	2	..	..	..	2
11	Piles	1	1	..	..	..
12	Hernia Inguinal	9	9	..	..	..
13	Polypus Nasophanynax and hard Palate	1	..	..	..	1
14	Strangulated Hernia	3	2	..	..	1
15	Elephantoid Leg	2	..	2	..	..
16	Cancer Cheek	3	3	..	..	..
17	Penetrating wound abdomen	1	1	..	..	..
18	Hydrocele	11	11	..	..	..
19	Cancer Penis	1	..	..	..	1
20	Tumour Neck	1	..	..	1	..
21	Pyloric Stenosis	1	..	..	..	1
22	Ovarian Cyst	3	3	..	..	..
23	Perimetritis	1	1	..	..	..
24	Cicatricial Contraction elbow	1	..	1	..	..
25	Fistula in ano	1	1	..	..	..
26	Incomplete abortion	1	1	..	..	..
27	Wound Axillary artery	1	..	..	..	1
28	Malignant tumour Pancreas	1	..	..	..	1
29	Abscess Liver	1	1	..	..	..
30	Lipoma shoulder	1	1	..	..	..
31	Stricture Urethra	4	..	4	..	..
32	Fibroid Uterus	1	1	..	..	..
33	Necrosis Femur	3	1	2	..	..
34	Enlarged Tonsil	1	1	..	..	..
35	Polypus Utrine cervix	1	1	..	..	..
36	Abscess abdominal wall	2	2	..	..	..
37	Maligant Tumour Liver	1	..	..	1	..
38	Caries Bone	1	1	..	..	..
39	Tubercular Peritonitis	1	..	1	..	..
40	Cancer Uterus	1	1	..	..	..
41	Pyloric Ulcer	1	..	..	1	..
42	Brachial Palsy	1	..	..	1	..
43	Gastric Ulcer	2	..	2	..	..
44	Stenosis Os	1	1	..	..	..
45	Varicose veins	1	..	1	..	..
	Total	86	55	16	5	10

Appendix III—B.

***Vide* Answer to Question NO. 315.**

Operations performed by Surgeon S. T. Ponnuswami Pillai in the General Hospital from 1st Minam, 1098 to 1st Dhanu, 1099.

[*N. B.*—Mr. S. T. Ponnuswami Pillai took charge of the institution on the 1st Minam 1098.]

Serial No.	Disease.	No. operated.	No. cured	No. relieved.	Discharged otherwise.	No. died.
1	Strangulated Hernia	3	2	1	..	..
2	Aneurism Rt. Illiac artery	1	..	..	..	1
3	Elephantoid Scrotum	2	2	..	..	..
4	Cancer Jaw	3	1	1	1	..
5	Stricture Urethra	2	..	2	..	..
6	Irreducible Ingl. Hernia	6	5	..	..	1
7	Tumour Scalp	1	..	..	1	..
8	Abscess Liver	1	1	..	..	..
9	Cancer Cheek	3	2	1	..	..
10	Ruptured Subphrenic Abscess	1	..	..	..	1
11	Ovarian Cyst	1	..	..	1	..
12	Fracture Leg	4	4	..	..	..
13	Endometritis	2	2	..	..	..
14	Cancer Tongue	4	..	4	..	..
15	Parotid Tumour	1	..	1	..	..
16	Foreign body foot	1	1	..	..	..
17	Empyema	2	2	..	..	..
18	Appendicitis	2	2	..	..	..
19	Compound Dislocation Elbow	1	1	..	..	..
20	Penitrating Wound Abdomen	3	1	..	..	2
21	Chronic Appendicitis	7	6	1	..	..
22	Pyloric Stenosis	3	1	..	..	2
23	Dry Gangrene	1	1	..	..	..
24	Cancer Penis	1	1	..	..	..
25	Myeloma Jaw	1	1	..	..	..
26	Prolapse Uterus	3	3	..	..	..
27	Carbuncle back	1	1	..	..	..
28	Cellulitis Finger	1	..	1	..	..
29	Elephantoid Leg	1	1	..	..	..
30	Portal Obstruction	1	..	..	..	1
31	Tumour Kidney	1	..	..	1	..
32	Chronic Ulcer Foot	1	1	..	..	..
33	Intestinal Obstruction	1	..	1	..	..
34	Caries Jaw	1	1	..	..	..
35	Dilation Stomach	2	2	..	..	..
36	V. V. Fistula	1	..	1	..	..
	Total ..	71	46	13	4	8

Appendix IV.

***Vide* Answer to Question No. 329.**

List of Vernacular Munshies in English High Schools.

No.	Name.	Designation.	Age.	Qualification.	Salary. Rs.	Date of first appointment.	Total service on 1-10-1099. Yrs.	M.	D.	Remarks.
	Kottar									
1	J. Paramanandam	Tamil Munshi	34	Lower Secondary & Tamil Sangham Examination.	45	17 12-88	10	9	14	
2	N. Ranganatha Aiyer	Do.	35	E. M. S. & Vidvan Test.	35	1-11-84	14	11	0	
3	P. Bhagavatisubrahmanya Sastri	Malayalam Munshi	50	Nil.	45	1-11-76	22	11	0	
4	N. Krishna Pillai	Do.	23	Upadhyaya.	25	24-10 96		11	7	
5	Mahomed Abdul Kadir Moulvi	Arabic Munshi	30	Thahaseel Moothavul.	34	6-11-93	5	10	25	
	Eraniel									
6	V. K. Kesavan	Malayalam Munshi	27	Vidvan Test.	40	12-12-94	4	9	1[illegible]	
7	K. M. Govinda Pillai	Do.	24	Upadhyaya.	25	9-7-98	1	2	22	
8	J. David	Tamil Munshi	35	Ver. H. Tamil	45	22-12-95	3	9	9	
	Martandam									
9	Venku Aiyar	Do.	39	Nil.	45	7-6-84	15	3	24	
10	Ramachandra Rao	Malayalam Munshi	42	Mahopadhyaya	45	18-12-87	11	9	13	
	Neyyattinkara									
11	Kunjukrishnan	Do.	37	Ver. Higher	40	10-11-83	15	10	21	
	M. V. Trivandrum									
12	P. Govinda Pilllai	Do.	41	Do. T. T. C.	45	25-4-88	11	5	6	
13	K. Paramesvaran Pillai	Do.	47	Do.	40	17-1-74	25	8	14	
14	K. G. Vanchesvara Sastri	Do.	29	Mahopadhyaya	35	28-12-93	5	9	4	
15	T. V. Chidambara Aiyer	Tamil Munshi	44	Lower Secondary.	45	6-82	17	3	0	
16	A. Mahomed Usuf Moulvi	Arabic Munshi	29	Nil.	35	6-11-93	5	10	25	

Appendix IV—(*contd.*)

No.	Name.	Designation.	Age.	Qualification.	Salary. Rs.	Date of first appointment.	Total service on 1-10-1099. Years.	M	D	Remarks.
	Attingal									
17	S. Krishna Sastri	Malayalam Munshi	52	Ver. Higher & Ver. Normal	45	15-7-65	34	2	16	
18	E. Govinda Pillai	Do.	31	Do. T. T. C.	40	22-11-95	3	10	9	
19	A. Shahabudeen Musaliar	Ag. Arabic Munshi	22	Arabic Higher	25	10-4-94	5	5	21	
	Kottarakara									
20	K. Venkatesvara Aiyar	Malayalam Munshi	43	Ver. Higher Trained	45	12-1-77	21	10	0	
21	V. G. Thomas	Do.	35	Do.	40	24-11-88	10	10		Recently transferred from the Ver. Branch
22	N. K. Abdul Aziz	Arabic Munshi	25	..	25					
	Shencottah									
23	E. V. Narayana Aiyar	Tamil Munshi	47		45	10-90	9	0	0	
24	T. N. Padmanabha Sastri	Malayalam Do.	35	Ver. Higher and Sastri Test	45	18-1-88	11	8	13	
25	K. M. Uduman Mohideen Sahib	Ag. Arabic Do.	32	First Examination in Arabic	25	16-2-98	1	7	15	
	Adur									
26	K. Kesava Pillai	Malayalam Do.	31	Upadhyaya	45	20-3-88	11	6	11	
	Quilon									
27	S. Gopala Sastri	Do.	36	Mahopadhyaya	45	22-2-84	15	7	9	
28	P. Ramakrishna Pillai	Do.	37	Ver. H. & T. T. C.	40	11-10-86	12	11	20	
29	K. A. Usuf Kunju Sahib	Ag. Arabic Do.	33	Nil.	25	30-11-96	2	10	0	
	Chavara									
30	E. Padmanabha Kurup	Malayalam Do.	55	Nil.	45	31-1-94	5	8	0	Extension of service sanctioned till 4-7-1100.
31	N. Sanku Pillai	Do.	29	Munshi Test	45	24-4-90	9	5	7	
	Kayankulam									
32	T. N. Velayudhan Pillai	Do.	39	Sastra Nirdharana Exam.	45	3-5-88	11	4	28	
33	K. R. Paramesvaran Pillai	Do.	29	Ver. Higher	35	23-10-88	10	11	8	

Appendix IV.—(*Contd.*)

No.	Name.	Designation.	Age.	Qualification.	Salary. Rs.	Date of first appointment.	Total service on 1-10-1099. Yrs.	M.	D.	Remarks
	Mavelikara									
34	G. Vaidyanatha Aiyar	Malayalam Munshi	32	E. S. L. C. & V. H.	45	26-1-87	12	8	5	
35	K. R. Rajan	Ag. Malayalam Do.	30	Do. & Upadhyaya	20	26-4-94	5	5	5	
	Chengannur									
36	T. V. Srinivasa Sastri	Malayalam Do.	34	Mahopadhyaya	43	16-11-90	8	10	15	
37	S. Govinda Pillai	Do.	33	Nil.	45	17-3-86	13	6	14	
	Alleppey									
38	K. Sankaranarayana Sarma	Do.	27	E. S. L. C. and Upadhyaya	35	5-10-95	3	11	26	
39	S. S. Abeen Tangal	Arabic Do.	37	Sulaimanic and Hamadani Cert.	35	28-8-87	12	1	0	
40	S. Mahomed Abdulla	Do.	28	Nil.	30	10-6-93	6	3	21	
	Shertalla									
41	M. K. Kochukunju Vaidyan	Malayalam Do.	34	Nil.	25	9-3-96	3	6	22	
42	G. Nanu	Ag. Do.	26	Vidvan Test	25	21-12-98	0	9	10	
	Vaikam									
43	K. Velayudhan Pillai	Malayalam Do.	39	Vernacular Higher	45	13-10-85	13	11	18	
44	M. V. Ramakrishna Pillai	Do.	39	Mahopadhyaya	45	1-3-84	15	7	0	
	Muvattupuzha									
45	N. Madhavan Pillai Sastri	Do.	33	Sastri Test	45	8-12-94	4	9	23	

Appendix IV.—(*Concld.*)

No.	Name.	Designation.	Age.	Qualification.	Salary.	Date of first appointment.	Total service on 1-10-1099. Years.	M.	D.	Remarks.
	Parur									
46	K. Krishna Pisharodi .	Malayalam Munshi	48	Ver. H. & T. T. C.	45	15-6-74	25	3	16	
47	G. Kochukunju Pillai .	Do.	25	Upadhyaya	35	27-10-96	2	11	4	
48	K. Karunakara Pisharodi .	Do.								On other duty in the Palace.
	Model School									
49	R. Srinivasachari .	Sanskrit Munshi	46	Mahopadhyaya Examination and Madras Middle School Examination.	45	10-6-83	16	4	0	
50	S. Ramakrishna Bhatta .	Do.	29	Mahopadhyaya	45	9-10-93	6	0	0	
51	V. Parvathinatha Sastri .	Malayalam Munshi	46	Do.	45	10-1-83	16	9	0	
52	R. Visvanatha Sastri .	Do.	41	Do.	45	15-6-83	16	3	0	
53	R. Subrahmanya Sastri .	Do.	48	Nil.	45	10-12-92	6	10	0	
54	S. Satyavagisvara Aiyar .	Tamil Munshi	42	Pandit Examination held by Tamil Sangham, Madura	45	18-4-93	6	5	0	
	English High School for Girls, Trivandrum									
55	Sri. N. Kamalamma .	Malayalam Munshi	35	Ver. Higher trained.	55	19-6-81	18	3	0	
46	Mr. N. Nilakanta Kurup .	Do.	41	Matriculation.	45	23-2-83	16	8	0	
57	Miss Dora Annammal .	Tamil Munshi	25	E. S. L. C., Madura Tamil Sangham Intermediate.	55	31-11-94	4	11	0	

[Mr. V. Subba Aiyar.]

THE NAYAR REGULATION AMENDMENT BILL.

Clause 9.

PRESIDENT: The discussion of the Nayar Regulation Amendment Bill will now be continued. We are at Clause 9. The first amendment to be taken up is the one standing against the name of Mr. Madhava Variar.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): I do not move my amendment.

The following amendments were not moved:—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Line 1. Add after the words "A subsequent marriage of" the words "a male or."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Line 2. Add the word "valid" after the word "prior."

Add the word "of the same female" after the word "marriage."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Add the following at the end of the Clause:

"The marriage of a Nayar male or female during the continuance of a prior marriage and performed after the coming into force of this Regulation shall be void; and no one having a personal law of his own allowing polygamy shall marry a Nayar female, while he has already a Nayar wife or caste wife, or marry a caste female while he has a Nayar wife."

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Renmber Clause 9 as Clause 9 (*a*) and add as Clause 9 (*b*) the following:—

"A subsequent marriage of a male during the continuance of a prior marriage is void."

Mr. C. SANKARA MENON (*Quilon*): Add the following at the end of Chapter II:

"(*a*) The marriage of a Nayar male during the continuance of a prior marriage and performed after the coming into force of this Amendment Regulation shall be void.

(*b*) No one having a personal law of his own allowing polygamy shall, after the passing of this Regulation, marry a Nayar female while already married to a caste wife or marry a caste wife while having a Nayar wife already."

MR. N. KUMARAN (*Nominated*): Add the following as Clause 10:—

"(*a*) The marriage of a Nayar male during the continuance of a prior marriage and performed after the coming into force of this Amendment Regulation shall be viod.

(*b*) No one having a personal law of his own allowing polygamy shall marry a Nayar female while already married to a Nayar female or caste wife."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): With your permission, Sir, I beg to move an amendment to make the matter more clear. The clause as amended will read as follows:—

"The subsequent marriage of a female or male during the continuance of a prior marriage is void."

I take it that what is meant is a subsequent marriage of a Nayar male or a Nayar female. It is better to make it clear.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Mr. Hoogewerf yesterday said in answer to Mr. Raja Raja Varma Koil Tampuran's question that he meant both.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Nayar and non-Nayar?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): "The subsequent marriage" could only mean the subsequent marriage of a Nayar *female,* and we might put in "Nayar" male instead of having the matter in doubt. I therefore move that the word "Nayar" be inserted before the word "male."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I rise to a point of order? When once an amendment has been accepted by the House, whatever be the form in which it should have been passed, I wish to know whether it is open to the House to move a further amendment to that amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): It is only the insertion of the word "Nayar."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Be it an insertion of a word or be it otherwise, the amendment has been accepted by the House. In that view, is it open to the House to move another amendment to the amendment which has been alreay accepted? It may be that the effect of inserting the word may be to enlarge the meaning or whittle down the meaning of an amendment. There was an opportunity yesterday which has not been availed of. I myself spoke against the amendment in its various aspects.

PRESIDENT: The amendment proposed by Mr. Subba Aiyar is not a direct negation of the amendment which has been accepted by the House. I think, therefore, it is admissible and in order.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I oppose the amendment. The object of the amendment seems to be to exclude non-Nayar husbands from the operation of Section 9. There were several amendments tabled on the agenda to the effect that even in the case of non-Nayars having caste wives, they shall not marry a Nayar wife during the life-time of their caste wife. These amendments have been withdrawn.

PRESIDENT: Not moved.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, not moved, for the reason that the amendment passed yesterday was

[Mr. G. Paramesvaran Pillai.]

sufficiently comprehensive; and in answer to a question put by Mr. Raja Raja Varma Koil Tampuran, Mr. Hoogewerf, the mover of the amendment, said expressly that his idea was to include both Nayar and non-Nayar males within the scope of the amendment.

PRESIDENT: It may be his intention, but he shoud have made it quite clear.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): He said that he did not exclude non-Nayars at all. The marriage of a male with a female, contemplated under the Nayar Regulation, can be only between a Nayar female and a Nayar male or another male who by recognised social custom and usage can marry and does marry a Nayar female; so that the Section, as it is, is sufficiently clear. The other amendments expressly excluding non-Nayar husbands were not moved for the reason that Section 9, as it stood, was sufficiently comprehensive. The object of that amendment is now sought to be defeated by the motion of Mr. Subba Aiyar requesting the Council to insert the word "Nayar" in Section 9 before the word "male." Now, Sir, my ground for opposing this motion on the merits is simply this. Much has been said during the general discussion of this Bill about intestate succession in respect of the self-acquired or separate property of non-Nayar husbands; much was said about the infringement of the personal law sought to be affected by this Amendment Bill. To me it appears that, if we do not accept this amendment and if we exclude hereafter all polygamous marriages, be it of a Nayar husband or of a non-Nayar husband, such complications will not arise at all in the future. It is only in the case of existing marriages that we will have to make some provision or other in regard to intestate succession. In regard to future marriages, there will not be such polygamous marriages at all. There will not be a Nayar wife and a caste wife to create complications in regard to intestate succession. So that, that matter will be easily settled hereafter and the provision in Section 9 will not have any operation except in regard to future marriages. In regard to existing marriages, the question does not arise at all. In regard to all future mariages it is desirable that, in view of the complications set out in this very House by Mr. Subba Aiyar and Mr. Krishna Aiyangar, the provision now incorporated in the Bill whereby there will be only one wife—the caste wife or the Nayar wife—should be accepted, and the motion of Mr. Subba Aiyar which goes directly against the very essence of the Section should be negatived.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May I ask whether a non- Nair having a Nayar wife is not allowed to have a second wife from his own caste now?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): "Now" means under the existing Regulation?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Under the existing Regulation, he can have; but not after the amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If so, may I ask whether the junior members of Potti and Nambudiri families, who marry Nayar wives according to custom, will not be driven to divorce them?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Is it possible for them to divorce the existing Nayar wives when divorce is restricted? They cannot divorce and they cannot marry in their caste although all along they have been doing so.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My only point is this. He is married already to one wife. If he is not satisfied with her he can divorce her. We do not want that person to marry another female after he is already married to one.

MR T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am glad to accord my support to the amendment which I consider absolutely necessary for the protection of the interests of the Nayar community and other communities who have got marital relationship with Nayars. Monogamy is a good ideal; But makkathayam is neither profitable nor possible, without strengthening the marriage tie, and monogamy is one of the ways of strengthening it. But so long as you say that Nayar females may be given in marriage to non-Nayars, so long as you are not prepared to give a frontal attack to the custom and declare that such marriages should be prohibited, I am not able to subscribe to the view now taken by my friend Mr. G. Paramesvaran Pillai. I want to remove certain misapprehensions which may be entertained by some of my friends regarding my attitude on the question of these mixed marriages. I am referring to my dissenting note on the Select Committee's Report. Among other things I said:—

"The Yogakshema Sabha and the Kshatriya Samajam have repeatedly passed resolutions on the subject. The East Coast Brahmins have ceased to respect the idea of taking wives from the Malayali community. Caste continues and will continue to be the dividing line between husband and wife except in rare cases. The child born of mixed marriages cannot obtain an introduction to polite society except through the father when the tarwad goes out of existence. When the father, the head of the household, is a non-Nayar who eats his food *in camera* and performs his spiritual obligations in a place uncontaminated by the eyes of his children, the latter fail to get any experience of material or spiritual affairs, the adherence to which can alone keep society together. Even militant rationalists are not able to rise above the feelings and sentiments which have solidified by the grinding work of centuries. To a Hindu the performance of the obsequies and the conduct of *sraddhas* are as much a right as well as a duty. The Nayar son of a Brahmin is not permitted to give a drop of water to his dying father or touch his body at the time of cremation. He has no right to offer the funeral cake. I think it will be to the advantage of all concerned if these anomalous marriages are once for all prohibited. When the non-Nayar communities concerned are themselves for discontinuing the practice, prudence and self-respect require that the Nayars should at once move for its prohibition."

I maintain that view, and if there is anybody to bring forward a proposal to discontinue those marriages, I would be for that. But having accepted the principle that the existing custom should go on, so long as we maintain those principles, the amendment proposed by Mr. Subba Aiyar is absolutely necessary. Life is not always materialistic and spiritual ideas have not lost all their force in society.

[President.]

I think that a Hindu, living and moving in the traditions of his religion and believing in the way of his fathers with regard to things after death, has a right and a duty to perpetuate that family custom. In the case of a Malabar Brahmin who has taken a Nayar wife, who has been living with her comfortably, begetting children, and looking after those children, if such a man reasonably apprehends that his family would come to extinction in case he does not marry from his own caste, I think the enlightened opinion of the Nayar community ought to accept the position and never create difficulties in the way of such people who have had amicable relationship with the Nayar community for hundreds of years.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I know if the meaning of the amendment now put forward is the same as that he now expresses?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): There is the amendment and there are my words. Mr. Govinda Menon can put them together. If my view is wrong, so grossly and totally wrong, Mr. Govinda Menon can speak on the subject and convince the House.

Sir, in order to prevent unnecessary estrangement and to avert the frustration of spiritualistic ideas on the part of those communities, the amendment is necessary. I may also say that there are some Nayar families in different parts of Travancore, particularly in North Travancore, where women are given in marriage only to certain high-caste non-Nayars. It may be good or it may be bad. But what you have to do is to respect the sentiments that govern the community. Social reform may be good, but I do not think we shall be justified in compelling social reform by penalties of this nature. While recognising the principle that these mixed marriages are very often the cause of various difficulties, seeing that even the non-Nayar communities concerned are themselves for discontinuing these marriages, and in the light of the fact that these marriages are likely to become smaller and smaller in number, I do not think that it is wise to create any unnecessary bitterness or any unprofitable estrangement. The amendment, to my mind, is a very reasonable one and I for one am entirely in favour of it.

MR. A. HOOGEWERF (*Nominated*): I strongly oppose the amendment. I really did not know what Mr. Subba Aiyar had to say. But I really cannot understand how this amendment has sneaked into this House just now. My amendment was for the introduction of "male" and I never said a Nayar male. To clear the doubt my friend Mr. Raja Raja Varma Koil Tampuran particularly asked me if I included non-Nayars also and I clearly told him that I included both Nayar and non-Nayar. On the face of this I cannot understand—

PRESIDENT: You did not word your amendment, Mr. Hoogewerf, clearly.

MR. A. HOOGEWERF (*Nominated*): But I made it clear.

PRESIDENT: That will not do. You should have worded your amendment clearly.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask Mr. Hoogewerf whether a non-Nayar is to be deprived of his religious performances being carried out by caste heirs? That is to say, does his objection extend to the remarriage of a Nayar female, or to a non-Nayar marrying in his own caste as well, in order that he may beget an issue to perform his funeral obsequies? Does my friend say that this Council should take away the privileges of a man's funeral ceremonies being performed by members of his caste merely because some time before the passing of this Regulation he married a Nayar female? Has he any objection to a non-Nayar marrying in his own caste even after the passing of this Regulation?

Mr. A. HOOGEWERF (*Nominated*): I do not quite understand the question.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am sorry; I shall explain. A non-Nayar has married a Nayar female before the passing of this Regulation. It is open to him subsequently to marry a caste-wife. After the passing of this Regulation he finds it absolutely necessary to marry a caste-wife for perpetuating his lineage and for the performance of his funeral rites. Does my friend propose to deprive that non-Nayar of the right of having his funeral obsequies performed by his caste-heirs? How is he to do it if he is not allowed to remarry in his own caste, which is absolutely necessary? He may object to a non-Nayar marrying a Nayar female during the continuance of a caste wife. But has he any objection to the non-Nayar marrying a caste wife just for his spiritual requirements? That will be an interference with the religion of an individual. May I further tell him, while he took the analogy of Cochin divorce, that the divorce there is not absolutely free? We have made it absolutely impossible. Under the circumstances, I ask him whether in common fairness to a man's spiritual requirements he should not allow the non-Nayar to marry a caste wife? I believe I have made myself quite clear.

MR. A. HOOGEWERF (*Nominated*): I do not quite understand. I have got a slight headache; probably it is due to that. (*Laughter.*)

I spoke on monogamy and it was there that I referred to the law in the Nayar Regulation of Cochin. With regard to the other question, I do not quite understand what Mr. Krishna Aiyangar said. But, all the same, I have clearly made everybody here understand, especially after the question asked by Mr. Raja Raja Varma Koil Tampuran and the reply given to him by me, that both Nayar and non-Nayar males were meant.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Hoogewerf if any expression used by him in his speech forms part of the amendment which he proposed? (*Laughter.*)

[MR. T. K. Velu Pillai.]

PRESIDENT: Shall I ask Mr. Velu Pillai to put his question again?

MR. A. HOOGEWERF (*Nominated*): It is not necessary because it is understood.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): May I ask Mr. Hoogewerf whether he is aware that the obsequies of a non-Nayar can be performed only by his caste relations?

MR. A. HOOGEWERF (*Nominated*): It may be so.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is he aware of that?

MR. A. HOOGEWERF (*Nominated*): I am not quite aware. Probably, it must be so.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Then are we not to provide facilities for it?

MR. A. HOOGEWERF (*Nominated*): He should not go to a Nayar female at all. (*Laughter.*)

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): After this Regulation he should not.

MR. A. HOOGEWERF (*Nominated*): Never mind after or before. That is what I say. (*Laughter.*)

So, if a Nayar cannot have two wives, I cannot see why a Brahmin who has a solid wife (*laughter*), properly married, spiritually with all ceremony,—I have seen this solid union which has impressed me a great deal, much more than the Catholic ceremony—should be allowed to put asunder that wife. On the face of that I cannot understand why a Brahmin should go into another community and marry another wife. It looks like concubinage and not as marriage.

MR. T. LAKSHMANA PILLAI (*Nominated*): May I know whether Mr. Hoogewerf is aware of the fact that a non-Nayar is at liberty to marry another wife in his own caste?

MR. A. HOOGEWERF (*Nominated*): Let him marry if he wishes from his own community. (*Laughter.*) It is simply outrageous. The other is bad enough; this is simply outrageous. A Brahmin who has married with such holy rites is not likely to marry a Nayar wife to whom he has only to give the clothing and so on. We are trying to make the tie stronger. When we are making every effort to make the tie stronger, I cannot tolerate for a second a Brahmin interloping (*laughter*) into this community and having a second wife. That seems to me, Sir, like concubinage.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Will Mr. Hoogewerf tolerate it in any other community?

MR. A. HOOGEWERF (*Nominated*): I belong as I said to the Nayar community just now. (*Laughter.*) That is why I am moving the amendment on behalf of the Nayar community. I do not want to say much more than this on the subject; but I emphatically protest against such an intrusion--I do not know what to call it--with regard to this conjugal tie. Mr. Subba Aiyar has brought forward this amendment and I think it is simply scandalous and this House should never tolerate it.

PRESIDENT: You should never use such expressions.

MR. A. HOOGEWERF (*Nominated*): Sir, I beg to withdraw that. Anyhow, I felt very strongly in the matter and this is my excuse for saying so much.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, the amendment moved by Mr. Hoogewerf seems to cast a reflection on the non-Nayars and also about their customs, because to take a second wife from outside is not sinful, as among non-Nayars there is the custom already and there is no forced monogamy. There is the custom of marrying two or three wives, if necessary. That is not for any sensual purposes. Sometimes in cases where the first wife does not bear any children a non-nayar marries a second wife, and if the second wife does not bear any children, he marries a third wife. There is nothing in it as going against religious principles or religious integrity.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the same arguments would not apply to Nayars also?

MR. T. LAKSHMANA PILLAI (*Nominated*): It does not make any difference so far as their religious attitude is concerned. That is what I meant. The non-Nayar not only performs his caste marriage according to the rules of his caste but also performs a marriage with a Nayar female according to her caste rites, and so it does not in the least militate against his religious principles to marry again in his own caste or in any other caste.

From the religious point of view I may say that a Non-Nayar is sometimes compelled to marry another wife in his own caste. That is because he believes that he cannot get heaven or, at least, he believes sometimes that he cannot get away from hell unless he gets a son. The very meaning of the word son (*putran*) is one that saves the parent from falling into hell. I do not mean to say whether it is true or not. But there it is that he has got that conviction.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know from Mr. Lakshmana Pillai whether, in spite of the second, third or even fourth marriage, if a man does not get a son, what will be his fate?

MR. T. LAKSHMANA PILLAI (*Nominated*): He would look upon himself as very unfortunate indeed. It will be a very unfortunate matter and he is not to blame for it. The Hindu Law permits him to do that, and there is no idea of a scandal or any such thing attached to it. It is a perfectly legitimate course that he can adopt. Now, what difference does it make, I say, if the non-Nayar, instead of marrying again

[Mr. T. Lakshmana Pillai.]

in his own caste, marries from the Nayar caste? It is only a difference of caste, but the Nayar is still a Hindu and his ideals are all Hindu ideals. So that, I do not see why Mr. Hoogewerf should go so far—

MR. A. HOOGEWERF (*Nominated*): Why should he not marry in his own caste?

MR. T. LAKSHMANA PILLAI (*Nominated*): Why should an Englishman marry a Frenchwoman or a Frenchman marry an Englishwoman? It is not prohibited by any law. Well, the only shame or disgrace that may attach to the custom is only when the Engishman treats the Frenchwoman not as a wife. Then comes the obloquy and not otherwise.

MR. A. HOOGEWERF (*Nominated*): Does Mr. Lakshmana Pillai know that the way of marriage of the French and the English is the same, that the French and the English belong to the same religion, and the marriage tie is the very same, their inheritance and everything else is the very same? Is the inheritance of the Brahmin the same as that of the Nayar?

MR. T. LAKSHMANA PILLAI (*Nominated*): When I come to the question of inheritance, I am going to insist upon the very same provisions as in the case of a non-Nayar. But that is no reason for Mr. Hoogewerf saying that a non-Nayar should only marry in his own caste.

MR. A. HOOGEWERF (*Nominated*): Would it not be high time to do all these things after the legislation for inheritance?

MR. T. LAKSHMANA PILLAI (*Nominated*): I mean to say that the Englishman is not bound hand and foot against marrying from another community. So, in the same way a non-Nayar need not be prevented from marrying a Nayar female and according to the Hindu customs, if, for purposes of begetting children, he requires to marry another time. I say that there need not be any provision of the legislation to prevent it. Otherwise—

MR. A. HOOGEWERF (*Nominated*): May I know whether, when a Brahmin marries a Nayar female, he goes through the same process that I mentioned, as he does when marrying a Brahmin wife?

MR. T. LAKSHMANA PILLAI (*Nominated*): I am not considering about exceptions. I am speaking of the ordinary custom. It is not necessarily from sensual motives that a non-Nayar marries from the Nayar community. It would be very generally out of sheer necessity, and in that case, I do not see why a non-Nayar should make a difference as regards his own community and the Nayar community.

MR. A. HOOGEWERF (*Nominated*): May I know whether the son or daughter of a Brahmin by his marriage with a Nayar wife is called Brahmin or Nayar?

MR. T. LAKSHMANA PILLAI (*Nominated*): Any other name would as well suit. There is nothing about nomenclature at all.

Under the head of inheritance, we have to make a change, and we must make a change when we come to that.

PRESIDENT: You may reserve your remarks for that occasion.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, yesterday I said all that I had to say against the enforcing of monogamy on the Nayar community. Anyhow, this House accepted it. Now, Mr. Subba Aiyar has been permitted to move this amendment. I bow to your ruling, Sir, and I do not question it. Nevertheless, it appears to me that the amendment, as it stands, includes both Nayars and non-Nayars. In that spirit I believe the House accepted it, because in Clause 1, sub-clause (2), of the Regulation we have the following: —

> "It shall apply to all Nayars domiciled in Travancore, and to such Nayars not so domiciled and non-Nayars whether so domiciled or not, as have, or shall have, marital relation with Nayar females domiciled in Travancore."

This Regulation applies equally to Nayars and non-Nayars having marital relations in Travancore. So when Mr. Hoogewerf mentioned 'male' he referred to Nayar males as well as non-Nayar males who have marital relations with the community.

PRESIDENT: That was not the point on which my ruling turned.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not wish you to correct the ruling. Therefore, whether it is clear or not, this House accepted the amendment of Mr. Hoogewerf yesterday with open eyes. It was expressly asked and stated in answer to the question of Mr. Raja Raja Varma Koil Tampuran that he meant both Nayars and non-Nayars who have got marital relations with Nayars and we have accepted that amendment by a majority in this House. So, it is not proper now, it appears to me, to go back upon it. That is the first ground.

Of course, I recognise that this law will cause some hardship and disability to certain communities. It is not only a disability to the non-Nayars but it is a disability also to the Nayars—and of course both communities must be prepared to make the necessary sacrifices. If the non-Nayars think that this will press too heavily upon them, of course it is open to them to make some change in their practice, whereby more than one member in the community might marry in their own castes so that there may be greater chances for perpetuating the family; and I think it will be good to the community because it will tend to its increase. So, probably, this practice if enforced will be to the lasting benefit of the non-Nayar communities. For these reasons I object to this amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I only wanted to make the point clear. I may say at the outset that my object is not to make any distinction or differentiation between a Nayar and a non-Nayar. I do not want to allow a non-Nayar the luxury of any number of Nayar wives. What I wanted was only to provide for

[Mr. V. Subba Aiyar.]

a custom which exists and from which there is no escape. In other words, in the case of the Malabar Brahmins the junior member is always allowed--at any rate, is required, we may say--to marry a Nayar wife, and sometimes when the Karanavan or the senior member dies without issue he has to marry in his own caste, and when he entered into the alliance with a Nayar female he thought he would be allowed to marry in his own caste if an occasion arose. So that, it is only to provide for such contingencies that I wanted to put in the word "Nayar" there. If my amendment is not sufficiently explicit, I have no objection to withdraw it and make it plainer. In other words, I say a person who is to marry in his own caste has married before this Regulation a Nayar wife and he would be allowed to marry a caste wife now. But if we pass this Regulation he must necessarily divorce her and he cannot get a divorce unless he proves specific grounds. Therefore he cannot get a divorce. He wants to marry a caste wife and therefore he will be in the horns of a dilemma. I do not want even that a non-Nayar who marries a Nayar wife hereafter should be allowed to marry in his own caste. But how to provide for a contingency which has already arisen on the distinct understanding that he will be allowed to marry in his own caste? You do not allow him to divorce as in Cochin, freely; you do not allow him to marry again and therefore you are really by a law creating hardship to a community which never anticipated it and which never bargained for it.

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know what was the practice before this had come into force?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): If the members of this House are really for a Malabar Brahmin who has married a Nayar wife and who has got children by that wife to divorce that wife, then probably he may not be in a position to remarry at all. I have not the slightest objection to allow that provision to be left as it is, but I say it will be causing hardship.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether a similar provision does not exist in the Cochin Regulation and whether he knows of such hardship especially in —

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The divorce there is free. Every one of the persons will then want to have a divorce before the commencement of the Regulation. I do not think this House is so unreasonable as to require every man to divorce his existing wife in order that he may be quite prepared to act according to the new law. I do not think that it will be a logical or safe or sound proposition.

Let us take the history of this Bill. Mr. Raman Pillai, when he introduced the Bill, wanted to restrict Nayars from having more Nayar wives than one. In other words, he did not want to affect the

rights of non-Nayars with reference to their marrying in their own castes. That is to say, the Bill never contemplated that. The Select Committee, I believe, were for allowing polygamy as it is, and therefore they were not for the enforcement of monogamy. Now an amendment was passed yesterday, and in order that it may not lead to hardship both among Nayar women and non-Nayar husbands I thought that the addition of the word "Nayar" would be enough. But I find there seems to be a misconception that, if that word crept in, a non-Nayar would have the privilege or liberty of having any number of wives. That is not my idea. I have not the slightest objection to restrict it, except in the case of a non-Nayar marriage existing before the passing of this Regulation. I believe it is only in fairness.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I request Mr. Subba Aiyar to have his amendment in a clear form as he proposed it? My friend's argument seems to be a very piteous one with reference to persons who have got into a tight corner. (*Laughter.*) If, therefore, his idea is only to extricate such of them, we should like to see the scope of that amendment clearly.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Then I will withdraw that amendment and put in another amendment more clearly.

PRESIDENT: Have you got it?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is better to put it in as a proviso.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the existing amendment first?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I have put in the word "Nayar" in order that it may read "Nayar male or female." My object is this. Notwithstanding anything contained in sub-section (1) the marriage of a non-Nayar with a caste wife shall not be void during the continuance of a marriage with a Nayar wife before the commencement of the Regulation. It is only *that* that I want.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Suppose a non-Brahmin non-Nayar who is allowed to marry in the Nayar community marries from his own caste.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I believe the same principle will apply. Everybody will take care that if he goes in for a Nayar wife hereafter, he would not have the right or liberty, I may say the luxury, also of marrying in his own caste.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Mr. Krishna Aiyangar put it on religious grounds. It applies only to Brahmins and not to non-Brahmins who also marry Nayar women. It does not mean to extend to those other people.

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MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): So long as they do not marry from their own caste.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): They are trying to establish a different practice now.

PRESIDENT: Your amendment involves an immediate change. You want that the community should change its social system immediately.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes; if a non-Nayar marries a Nayar wife he is bound to have only one wife. But in the case of those who have already married Nayar women when they were allowed to marry in any caste, they should not be prevented, as Mr. P. K. Narayana Pillai put it, from escaping from a tight corner, because no divorce will be granted.

PRESIDENT: If your amendment takes this altered shape it means that the junior members of a Malayala Brahmin family should give up at once marrying Nayar ladies.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes. My amendment runs as follows:

"*Notwithstanding anything contained in sub-section (I) the marriage of a non-Nayar male in his own caste shall not be void though he has married a Nayar wife before the commencement of this Regulation.*"

I suppose I have made it clear. I want to safeguard only such marriages as have already come into existence and as will be undesirable in the interests of all parties to dissolve. You force him to dissolve the existing marriage, because there is another aspect of it. He becomes liable to prosecution under the Penal Code by the doctrine of *factum valet*. So far as the caste wife is concerned the marriage is perfectly valid; but if he goes in for a caste wife he commits an offence. So I say all these difficulties are arising when you are trying to interfere with the customs and usages of other communities. It was only to safeguard the interests of the communities that are put to difficulties that I brought in the amendment.

Mr. Subba Aiyar was permitted to move the amendment in the altered form.

PRESIDENT: Mr. Subba Aiyar wants that a proviso should be added to Clause 9 as amended, the main Clause being numbered as sub-section 1. Then, it cannot be a proviso. It will be thus:—

"*Add as Clause (2)*" *notwithstanding anything contained in sub-section (1) the marriage of a non-Nayar male in his own caste shall not be void though he has married a Nayar wife before the commencement of this Regulation.*"

PRESIDENT: Does the House accept the amendment?

The amendment was accepted by the House.

PRESIDENT: The question is that Clause 9 as amended do form part of the Bill.

The Clause, as amended, was added to the Bill.

Mr. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): There is no list or registered document for the existing or future marriages. Would it not be very difficult to differentiate between future and existing marriages?

PRESIDENT: We cannot go back upon that Clause. We are now at Clause 10. Clause 9 has been put and accepted by the House.

Clause 10.

The following amendment was not moved:—

Mr. M. N. Pillai (*Trivandrum*):

In line 1 insert the words "and major unmarried daughters" between the words "minor children" and "shall".

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): I beg to move the following amendment:—

Insert the following in line 1 after the word "children:"

"*Except married daughters under the guardianship of their husbands.*"

When the amendment is introduced the Clause will run as follows:—

"*The wife and minor children, except married daughters under the guardianship of their husbands, shall be entitled to be maintained by the husband or father as the case may be.*"

Sir, there is one aspect of the question which I propose to bring to the notice of the learned mover of the Bill, *i. e.*, whether there is not an overlapping of the provision so far as the liability of the husband and the father is concerned. "The wife and minor children shall be entitled to be maintained by the husband or the father, as the case may be" is the present provision. It may be that some of the minor children of the father happen to be married. I should like to know whether it is in the contemplation of the mover to see that even married minor daughters should be maintained by their father. That is not clear. Anyhow, my own view is that, if a minor daughter is married and is living under the guardianship of her husband, there is very little justification for the father being called upon to maintain such a daughter also.

PRESIDENT: If the husband is also a minor?

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is also a point that I wish to bring to the notice of the learned mover. If he has thought over the question he may adopt the amendment. If not, I would press it to a division.

Rao Bahadur K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I second it.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, there is one difficulty in accepting the amendment. Even if a minor girl may be married, I do not think it right to divest the father of the duty of maintaining the minor daughter. Sometimes the minor wife may not be

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maintained by the husband, or the father might have married his daughter to a person who is not able to maintain her. Under such circumstances it is not proper that the father whose primary duty is to maintain his minor children should be divested of that duty. I had thought over the matter, and my view is that it must be the duty of the father to maintain his minor children whether they are married or not. In spite of the fact that the father has got a duty to maintain his minor children, we have not thought it right to take away the right of maintenance of minor children from the tarwad. There may be two independent bodies who have the duty of maintaining minor children. In such a case, there is no reason why one body should be divested of that duty.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I may say a word in view of what Mr. Paramesvaran Pillai has said on this amendment. Sections 10 and 11, as they stand, are not, I think, clearly worded. According to them the father is not under an obligation to maintain his minor daughters after marriage. The Sections of a statute must be read together and interpreted in such way as not to cause any inconsistency. If that principle of interpretation is accepted, then it means, the minor children, if they are not married, must be maintained by the father; and if the minor daughter happens to be married, it is the duty of the husband to maintain her. According to Section 10 there is an obligation on the part of the husband to maintain the wife whether minor or major. I take it that Sections 10 and 11 when read together impose an obligation to maintain her on the father while his daughter is unmarried and on the husband when she is married. If Mr. Paramesvaran Pillai wants that the father should not be divested of the duty of maintaining his minor daughter whether she is married or not, then, I think, he will do well to make it clear by suitable amendments. As it is, I think the father has the duty to maintain his minor daughter only so long as she is unmarried.

PRESIDENT: Do you accept Mr. Narayana Pillai's amendment? Mr. Subba Aiyar points out that Clause 11 is inconsistent with Clause 10 of the Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I mean, the two must be read together. Then there is no necessity for the amendment. But if what Mr. Paramesvaran Pillai wants is to be made clear, he must bring in a fresh amendment. Section 10 says that the wife and minor children shall be maintained by the father or the husband, as the case may be, which means that the wife shall be maintained by the husband and the children by the father. Section 11 says that so far as guardianship is concerned the husband shall be the legal guardian of the minor wife. In both the cases, the husband should be the guardian and he should maintain his minor wife.

PRESIDENT: I do not know if that follows.

Mr. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It follows.

PRESIDENT: I am not a lawyer.

Mr. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, as I apprehended, the meaning that I thought would be attached to the Clause in question has evidently been put on it by the learned mover. But if Mr. Subba Aiyar says that it ought not to be the meaning by canons of interpretation—I also occasionally use these canons of interpretation—there is not certainly the necessary expression to hit the mark. Hence I think it must be made clear that the provision in this respect does not lend itself to conflicting constructions. I myself feel that it is better that we define exactly the scope of the liability of the father and amend the provision so as to be applicable only in the case of minor sons and unmarried minor daughters. Therefore I think my amendment may be accepted.

The amendment was put to the vote and carried.

The following amendments were not moved:—

Mr. M. R. Mathava Variar (*Chengannur* cum *Pattanamtitta*): Line 1. Delete the word "and" and add the words "and unmarried major daughters" after the words "minor children."

Mr. M. N. Pillai (*Trivandrum*): Line 3. Insert the words "or major unmarried daughters" between the words "wife" and "shall not."

Mr. M. N. Pillai (*Trivandrum*): Line 4. Insert the words "or father as the case may be" between the words "husband" and "without just cause.

Mr. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Sir, I beg to move that in Line 4, Clause 10, the words "lives in adultery" be added after the words "just cause."

I think these words exist in the present Nayar Regulation and they were deleted in this Bill without any proper reason in the report of the Select Committee. No reason is alleged why these words were omitted. Moreover, as we have passed Section 8 in which it is stated that a woman who lives in adultery is not entitled to compensation when she is divorced, I think that these words may also be added to this Section.

Mr. N. KUMARAN (*Nominated*): I second it.

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): I rise to oppose the amendment. These words are in the old Regulation. It was deliberately omitted by the Select Committee in order to avoid an enquiry into the conduct of the woman when she seeks for maintenance from her husband. If we allow this plea of living in adultery to be put in by the husband when a wife brings a suit for maintenance, we may take it that in almost every case the defence will be that the wife lives in adultery. It is only when the feeling between the husband and the wife is estranged that a suit for maintenance will be brought by the wife against the husband. Then for the mere purpose of insulting the wife he may put in this defence which will lead to the washing of dirty linen in public. It was therefore

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that this expression was deleted from the original Bill itself by the Select Committee. According to the amended Bill it is open to a husband to bring a suit for dissolution of marriage on the ground of adultery. Until he files a petition for divorce and succeeds, he must be bound to maintain the wife irrespective of any reasons. The duty to maintain the wife must subsist until he gets a dissolution, and if he has got proper grounds for the same, it will be open to him to put in a petition and get the marriage dissolved. Except in case of dissolution I am opposed to any enquiry being held into the conduct of a woman especially when she puts in a petition for maintenance. It is upon these grounds that the words were deleted and I oppose the amendment proposed by Mr. Madhava Variar.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Mr. Paramesvaran Pillai opposes my amendment on the ground that the words in question were deleted with the intention of avoiding an open enquiry into the conduct of the husband and the wife. But these words exist in the present Regulation and Mr. Paramesvaran Pillai has not quoted any instance in which an open enquiry was made into the conduct of a woman and dirty linen washed in public. As these words exist in the existing Regulation and as Mr. Paramesvaran Pillai has not shown that any mischief is caused by the existence of this provision, I do not think that any harm will result by the addition of the words "lives in adultery." Moreover, if a woman lives in habitual adultery, it is not just to ask the man to maintain her. Hence I press my amendment.

The amendment was put to the vote and lost.

PRESIDENT: I think in an earlier Clause we adopted the phraseology 'or has changed her religion.' I think it was in Clause 8. So, it would be better for the sake of uniformity to adopt the same wording here also.

The amendment was accepted by the House.

The following amendment was not moved.

MR. C. SANKARA MENON (*Quilon*); Add at the end of the proviso the words "or has become an out-caste."

The question that Clause 10 as amended do form part of the Bill was then put to the vote and carried.

Clause 10, as amended, was added to the Bill.

Clause 11.

The following amendment was not moved:—

MR. C. SANKARA MENON (*Quilon*): Sub-clause (1). Delete and substitute the following:—

"The father shall be the legal guardian of his minor children in respect of their person and the property given them by such father."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, the husband shall be the legal guardian of his minor wife in respect of her person and property. That is the existing provision. But, in so far as the Bill contemplates the possibility of a minor husband marrying a minor wife, the question is liable to be raised whether the husband, who himself happens to be a minor under the guardianship of some other person, would be the guardian of his minor wife. It is only to deal with such cases that I propose this amendment, *i. e.*, "In line 1 sub-clause (1), Clause 11, add the words "if not a minor" after the word "husband."

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Who else will be the guardian in the case of a minor husband and minor wife?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Any other person, except the husband, under the existing law would be the guardian for both the husband and the wife.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Together?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Not necessarily. It is for that purpose—

PRESIDENT: I think you have two amendments to this Clause. You may move the other also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to move that in line 2 Sub-clause (1), Clause 11, the words "save as regards daughters under the guardianship of their husbands", be inserted after "and."

The amendment is simply to give effect to a prior amendment. We have already made this amendment in a previous Clause, and it is only right that we introduce the same here also.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I second the amendments.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, not that I have got any serious objection to accept the amendment, but I wish to point out that the Section itself is clear, because no minor can be the guardian according to the general law. So it assumes that the husband must be a major and if he is not a major, of course, the wife will have to be under the guardianship of her father. I do not think that there is any doubt about that matter. The amendment is thus superfluous.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I would draw the attention of the mover of the Bill to a similar amendment made and accepted in the Ezhava Bill. I have nothing to add in support of my amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Is there such a thing in the Ezhava Bill? I think it is not in the Ezhava Bill.

[Mr. C. Sankara Menon.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What I recollect is that the amendment was made in the Ezhava Bill.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The father also may be a minor in certain cases. (*Laughter*). We do not provide for such cases.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Under the existing law, the husband will have to be the guardian of the minor wife. That is where we are at.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It presupposes that guardians are *sui juris*.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If so, I withdraw my first amendment.

The amendment was, by leave, withdrawn.

The amendment that, in line 2, sub-clause (1), Clause 11, after "and" the words "save as regards married daughters under the guardianship of their husbands" be inserted, was accepted by the House.

MR. M. N. PILLAI (*Trivandrum*): I move that in line 1, sub-clause (2), Clause 11, the words "a woman" be inserted for "the wife" and that the word "former" be omitted. The use of the word "wife" will narrow the scope of the amendment, because it will relate to cases of children born with a prior husband. It is doubtful whether it will apply to cases where a woman has not married a second time. She need not be necessarily a wife.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I think it may be accepted.

The amendment was put and carried.

The following amendments were not moved:—

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Sub-clause (2). Line 1. Substitute the words "Nayar female" for the word "wife" and delete the word "former."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*):

Sub-clause (2). Line 1. Insert after the word "wife" the words "not being a minor"

MR. C. SANKARA MENON (*Quilon*):

Sub-clause (2), line 2: delete the words "or divorced."

MR. C. SANKARA MENON (*Quilon*): I did not move the above amendment because of the passing of Clause 8 by the House. I should think that in that Section an addition has to be made to cover cases where a provision has been made for maintenance of the minor children in the final order of divorce. I wish that the words "subject to the provisions of sub-clause (9) of Section 8 the woman will be the legal guardian of the minor children by a divorced husband" be inserted after "shall" in line 2 of sub-clause (2) of Clause 11.

MR. A. GOVINDA MENON (*Alangád cum Parur*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): That is a contingency that overtakes not only the wife who appears before the divorce court but probably the husband also, with respect to the custody of minor children. The divorce court may come to a conclusion against the father or the mother. So, if we simply restrict the operation of that Section to Clause 8, it may be doubted whether the previous provision with respect to the custody and the guardianship of the children under the other Clauses in this Chapter would be controlled by the operation of that Clause. Naturally, we have to take the whole provision following in the section. Section 11 must be controlled by the orders of the court under Clause 8. I am not averse to the spirit of the amendment, but I only point out that it is better to state that all the provisions of this Chapter would be controlled by the provisions made in sub-clause (9) of Clause 8. If the court comes to a conclusion it should not be affected by anything contained in this section.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Even under the Guardian and Wards Regulation, naturally, a guardian may be removed by an order of the court. What is the harm in restricting it to the wife as drafted by the Select Committee?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We are not contemplating anything under the Guardian and Wards Regulation, but only Clause 8 previously grafted. So, that may not be in conflict with any legislative enactment. Here, we may enact that in this Chapter Clause 11 would be subject to Clause 8. The proviso may control the whole clause.

PRESIDENT: Clause 10 also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Yes.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am not satisfied that the proposed amendment is absolutely necessary. The provision in an earlier section does not militate against the cases contemplated in the clause that is now sought to be amended. The possible contingency may or may not occur. That is all that I have to say.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I think that the amendment is unnecessary, because, so far as sub-clause (2) is concerned, it deals only with the minor children by a husband deceased or divorced. It only deals with cases that arise after divorce or death of the husband. The other question will arise only in respect of divorce proceedings, so that this is self-sufficient and self-contained, and there is also no inconsistency between the two. The one will not militate against the other.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I am inclined to accept the amendment. It is not quite correct to say that no provision need be made. Because, in the case of divorce proceedings, in the final order to be passed, the court is entitled to make any order in respect of the custody of the children. They may be entrusted with the father or with the mother.

[Mr. C. P. Kochukunju Pillai.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask which children he means?

PRESIDENT: This clause relates to the divorced wife.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In such cases the court will have to pass an order as regards the custody of the children according to the circumstances of the case. According to Clause 8 which we have accepted, it is provided that the court shall decide as it may deem proper according to the circumstances of the case. Therefore, in some cases, the wife may be entrusted with the custody of the children and in others the father. I think, therefore, that there is no harm in accepting the amendment.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The clause in question deals only with those parents of minor children as happen to be the subject of the enquiry in the divorce proceedings.

PRESIDENT: Mr. K. Paramesvaran Pillai refers to the final orders of the court.

MR. C. SANKARA MENON (*Quilon*): Provision will be made by the court for the guardianship of the minor children at the time of passing the final order of dissolution. The children may be entrusted to the custody of the husband or the wife according to the circumstances of the case. Now, the Section, as it stands, provides for the children being in the custody of the mother in a case where divorce is sought for. It may be in conflict with the order of the court. Therefore, it is better to make a special provision in sub-clause 9, Clause 8.

PRESIDENT: I will put the amendment to the vote of the House. The amendment is that after the word 'shall' in sub-clause 2, the words "subject to the provisions of sub-clause 9, Clause 8" be added.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sub-clause 9 in Section 8.

PRESIDENT: We call them Clauses and not Sections until the Bill becomes law.

The amendment that after the word 'shall' in sub-clause, 2, Clause 11, the words 'subject to the provisions of sub-clause 9, Clause 8', be added, was then put to the vote, of the House and carried.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Before the clause is put to the vote, may I point out a defect in it? The clause runs as follows:—

"The husband shall be the legal guardian of his minor wife and the father the legal guardian of his minor children in respect of their person and property."

In a case where divorce——

PRESIDENT: Are you moving an amendment?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I am pointing out a defect, so that I may move an amendment. The Section, as it is, says: 'The husband shall be the legal guardian of his minor wife and the father the legal guardian of his minor children

in respect of their person and property'. Suppose a divorce is desired before the wife attains her 16th year, in a case where the girl might have been married in her tenth year and her parents find some defect or other; as was contemplated in Mr. Govinda Menon's amendment. Who is to be her guardian in order to apply for divorce on her behalf ?

PRESIDENT: You mean the divorce of the wife?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): No, divorce *on behalf of* the minor wife. If the husband is the guardian of the minor wife in respect of her person and property, as the present Section provides, who is to apply for divorce on behalf of the minor wife, if it is desired before she attains her 16th year? The wife being a minor cannot go to a court of law and apply for divorce from her husband until she completes her 16th year. Evidently her guardian is expected to apply for divorce on her behalf. This Section provides that her husband is the guardian. How can he be expected to apply for divorce from himself on behalf of his wife? I, therefore, propose that the word 'except for divorce' may be added after the words 'minor wife' in Clause 11, sub-clause (1).

MR. M. K. KHADIR PILLAI (*Nominated*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I object to the amendment, because it is unnecessary and superfluous. It is well known that, when the interests of the guardian are against those of the minor, the guardian may be removed. There is ample provision for that in the *Civil Procedure Code*, and we have already stated that, in these cases, the *Civil Procedure Code* is to apply. I think that will quite do. It is unnecessary to make any further provision with regard to that. When a minor wife seeks divorce from her husband it is clearly understood that the husband's interests cannot be identical with his wife's and the court cannot object to a petition for the removal of the husband from her guardianship.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnatur*): I cannot agree with my friend. In such cases we will have first to go to a court of Guardian and Wards in order to effect a removal of the guardian.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There is no necessity for going to the Court of Wards. There is provision in the *Civil Procedure Code* itself.

PRESIDENT: Will you please explain, Mr. Paramesvaran Pillai?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The husband is ordinarily the legal guardian of his minor wife, but, when the minor wife wants to get a divorce from her husband, of course, the allegation will be that the husband is acting against the interests of the wife and that therefore he cannot act as the legal guardian of the wife. The court will permit her to bring a petition through her next friend, or some other guardian, such as her father or uncle. There is ample provision for that in the *Civil Procedure Code* itself. We have already provided

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that, in these cases, the elaborate provisions of the *Civil Procedure Code* shall apply. There is enough provision there to meet the contingency suggested by Mr. Kochukunju Pillai.

PRESIDENT: You have not applied the provisions of the *Civil Procedure Code* to this Chapter, I think.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The provisions of the *Civil Procedure Code* apply to divorce proceedings.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I withdraw the amendment.

The amendment was withdrawn by leave of the House.

MR. K. PARAMESVARAN PILLAI (*Tiruvella*): I wish to bring an amendment before the clause is finally voted upon. In Mr. M. N. Pillai's amendment the word 'woman' was substituted for the word 'wife'. That amendment has been carried. Throughout the whole Bill the word 'female' has been used. For consistency's sake I suggest that the word 'female' be substituted for the word 'woman' in Mr. M. N. Pillai's amendment that has already been accepted by the House.

MR. M. N. PILLAI (*Trivandrum*): I have no objection.

The question that the word 'female' be substituted for the word 'woman' was accepted *nem con.*

The question that Clause 11 as amended stand part of the Bill was then put to the vote of the House and carried.

The clause was added to the Bill.

Clause 12.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to move that the existing Section 12 of the Nayar Regulation be substituted for Clause 12 of the present Bill. The Section that I want to put in reads thus:—

"On the death of a Nayar male, leaving him surviving a widow or children, or both, she or they shall, if he has undivided marumakkatayam heirs, be entitled to a half share of his self-acquired or separate property left undisposed of at his death, and if there are no such heirs, such widow or children or both shall be entitled to the whole of such property."

This, Sir, is the beginning of our real difficulties with regard to this Bill. Hitherto we have been testing the strength of the roads which the advance party has made for us. It has been freely conceded by several members in this House that the two most important questions dealt with in the present Bill are individual partition and makkathayam. We are now going into the real battle field. Battles, Sir, are not won by opinions. They are won by more substantial things than opinions. I shall try to show that, although marumakkathayam is a decaying system, and although marumakkathayam tarwads do not fare so well as they ought to do, yet there are in all parts of the

country tarwads governed by the marumakkathayam law faring tolerably well. No doubt the brother's sentiments towards the sister have undergone some change and the uncle's sentiments towards the niece have changed to a greater extent. The mother's feelings of love and affection remain more or less stationary, because the mother, whatever be the provocation, cannot hate any of her children ; so that, with reference to such tarwads when the law says that the karanavan is still the mouth-piece of the tarwads, when the karanavan is recognised to be in management of the tarwad property, and when along with these fortifications of the law there is also the attendant circumstance that some amount of marumakkathayam life still exists, I have risen to make a stand in favour of some healthy portion of the marumakkathayam law which we have still to respect. Sir, in the ordinary Nayar tarwad, the uncle, the brother, and other maternal relations are the only protectors of women. In many parts of Travancore there is more or less a mixed system of makkathayam and marumakkathayam. The wife and children often live in the husband's house. In other parts of the country marumakkathayam exists in its pristine glory. The wife lives in her own house with her children, and the husband "visits" the wife there.

MR. C. SANKARA MENON (*Quilon*): May I know in which part of the country marumakkathayam exists in its pristine glory?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I thought Mr. Sankara menon on his way from Ernakulam to Quilon must have come across families which are still governed by the marumakkathayam law. If the question had been put to me by any member who does not belong to the Nayar community, I should not be surprised and I should have taken the time of the Council in answering him. But knowing as I do that he is a Nayar gentleman having an extensive practice at the Quilon Bar and that he must have at least travelled through Travancore many a time before he reached Ernakulam, I do not propose to answer the question. I repeat there are a great many tarwads where marumakkathayam is still intact. There are houses in which the husband or the father does not contribute anything to the expenses of the children, and there are tarwads where the karanavan, however much he may be abused, however much he might have fallen from the old pedestal, still looks after the interests of the children of his sisters and other maternal relations. Therefore, Sir, if anybody would get up and say that there is absolutely no vestige of Marumakkathayam life in this country, that statement cannot be accepted. Ideas are however changing, and a large section of the people desire to make effective progress towards makkathayam. But there is another class of people who accept makkathayam only as a goal—those who still contend that the time is not ripe for adopting that system ; and there is still a third section, a small section though, which still maintains that marumakkathayam must continue as at present. Sir, we have heard arguments advanced by theorists that the marumakkathayam system is an unnatural system. I cannot see anything at all unnatural in that system. It is, on the other hand,

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as natural as it is archaic. But the experience in other countries and of other communities has shown that people who are living in other systems like the makkathayam system are happier. It does not follow tha marumakkathayam is therefore an unnatural or an absurd system. Makkathayam has no doubt several advantages over marumakkathayam in the world of to-day. Still, I do dot think anybody will be justified in calling marumakkathayam an unnatural system. There is nothing against marumakkathayam in the dispensations of God. The fact that marumakkathayam is rare in the world ought not to deter us from following marumakkathayam, at least those principles of it which may be of advantage to the Nayar community. There are innumerable Nayar houses in Travancore where the women are protected only by their uncles or brothers or other maternal relations. Section 12 of the Bill as passed by the Select Committee contemplates that a man's property, whether separate or self-acquired, should all pass to his wife and children if he happens to die intestate. No doubt there is a reservation made with regard to the mother. The ideas enshrined in this Bill are makkathayam ideas. I accept makkathayam as a goal. But I would once again request the House to scrutinise the existing conditions and see whether the community is prepared to take a sudden jump in that direction. I would respectfully request my friends in this Council to give me any parallel in the legislative history of the world where makkathayam was advanced in this precipitate manner. It must be remembered that till 12 years ago we had only marumakkathayam, but, now, we have a kind of mixed system. The question is, whether a period of 12 years is enough to cut off entirely from our old customs and to forget the past absolutely. The living together, the solidarity of interests and the spirit of love and amity, though somewhat shackled under the present conditions, still exist in many marumakkathayam tarwads. It is stated by some that the people as a whole are in favour of makkathayam and individual partition. I am inclined to the view that Mr. Paramesvaren Pillai, who observed yesterday, in answer to repeated questions as to the value of resolutions passed at meetings held in different parts of Travancore, that those resolutions were of the nature of propaganda work, was substantially right in his judgment with regard to this matter. If it came from any other gentleman—one who has a lesser degree of acquaintance with the community—I should not have attached much weight to it; but seeing that it has emanated from one who knows the conditions of the Nayar community so well, one who has taken a good deal of interest in the preparation of the present Bill and has always stood up for public causes (*hear, hear*), I think the interpretation is entitled to careful consideration. He said that even the resolutions of which he had personal knowledge, resolutions arrived at in meetings presided over by himself, even they were all of the nature of propaganda work. Sir, when this is the case, am I to believe that the whole community is prepared for makkathayam, that the people are of one mind and that they will be satisfied only with complete makkathayam and nothing else? Was there any necessity for propaganda

work, was there any necessity for these conferences, if popular opinion in this matter was unanimous?

MR. A. HOOGEWERF (*Nominated*): Were not those meetings convened for the purpose of converting the unconverted minority?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Anyhow, that is not the view of Mr. Paramesvaran Pillai, and I do not think Mr. Paramesvaran Pillai is one who requires another's help at expressing his meaning. He can take care of his own ideas. So, I do not propose to take up the time of the Council in answering that question. I am not prepared to explain hypothetical positions.

That aspect of the question therefore, that complete makkathayam all at once is what is supported by all the resolutions passed at different meetings, need not be elaborated. No doubt, a certain amount of weight may be attached to the resolutions of meetings in order to show which way the wind blows. I take my stand not only on what I believe as the opinion of these conferences but also on the authoritative statement made by the mover of this legislative measure. There is the fact that a good number of newspapers are in favour of makkathayam and individual partition. The views expressed by the newspapers are in fact the views of individuals who prefer to remain anonymous. Newspapers are no doubt entitled to consideration. But I do not think they are more authentic or more reliable than the resolutions passed in conferences attended by the members of the Nayar community—conferences in which several enlightened Nayars have chosen to participate. My own feeling in the matter is that there is a good deal of opinion in favour of makkathayam and there is also a good deal against having a compulsory law of makkathayam just at the present moment.

The Ezhava Law committee said:

"There is not one person in the community to say that nothing should go to the wife and children of a deceased Ezhava from the self-acquisition left by him nor would any entertain the idea of providing them with anything less than one-half of the self-acquisition. Of the 802 *viva voce* witnesses questioned on the point, six hundred and seven, including ten ladies, are for allowing the wife and children to inherit the whole of the father's self-acquisition. In other words, about 76 per cent. of the *viva voce* witnesses are for the whole self-acquistion going to children. Territorially considered, the Ezhavas to the north of Quilon who are marumakkathayees with a few exceptions, and the majority, though not so substantial, of the *viva voce* witnesses to the south who are *misradayees*, are of this view".

Later on they continue:

"This is not consistent, for, the allotment of any share for the tarwad on account of its contribution to the acquisition would leave only a fraction, a moiety of which can, in no case, amount to one-half share of the whole. Among the written answers 58 (of which 13 from ladies) are for the devolution of the whole, 13 for more than one-half and 55 for one-half. Though there is a large number of signatures in the written answers for not giving the whole, it should not be allowed to weigh in numerical proportions for the reasons stated in para 8 *supra*".

Then again, later, they say:

"It is contended that the system of the even distribution of the self-acquisition between the children and *seshakars* of the acquirer is a happy combination of marumakkathayam and makkathayam and that no further advance need be made to favour the

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children. Arguments like these which are based more or less on the original ideals of marumakkathayam might have held good at one stage of its progress but are now untenable, being opposed to the present conditions and tendencies."

Later on still, they observe:

"While we make no secret of our approbation of the goal underlying the wish of the majority, we would guard against possible misunderstanding. However high a value we set to the objective, we are far from proposing any change in the law as now administered which is not broad-based on the will of the community and which, we do not at the same time feel, is for their highest good."

Again, the learned mover of the Ezhava Bill, Mr. Subba Aiyar has said:—

"Even among *misradayees* there seems to be a majority, but that majority, I may admit, is only a narrow majority, so that we may fairly take it that, so far as the evidence goes, the opinion of the *misradayam* people seems to be divided."

Then he goes on:

"Under the Law Committee's report the anandaravars were expecting a share of the acquisitions till now, and this they have forfeited by the report of the Select Committee."

Therefore, my point is that the Ezhava community wanted one thing, the Law Committee added something more to it, the Select committee added still more things to it, and when it came to this House, again they got more than what most of the Ezhavas themselves wanted. With reference to that question Mr. Subba Aiyar has observed:

"We have, at the same time, to take into consideration the fact that among Ezhavas the wife lives with the husband from the moment of marriage, both of them work together and the wife contributes a great deal to the self-acquisition of the husband. It was this circumstance mainly which weighed with us; and taking into consideration the growing tendency of the time also, we said that the wife and children should get the whole of it and, in the absence of children, the thavazhee people might get one-half."

So, the general reason which enabled the Ezhavas to get the new law regarding self-acquisition is the fact that the Ezhava woman partakes with her husband in the acquisition of wealth.

Then again, speaking on the same amendment, Mr. Kochukunju Pillai said:

"As a matter of fact, some of the important Ezhavas of my constituency personally told me that not only almost all of them, about 90 per cent., were in favour of the amendments put forward by Mr. Parameswaren, but also that, when they sent their petition signed by about 1000 persons—".

I do not wish to read further extracts from the speeches. My point is that, although the Ezhava community got a law of complete makkathayam, to regulate the devolution of self-acquisition, although a large section of Ezhavas were in favour of it, still the legislature went very much beyond what the Ezhavas primarily wanted and what the mover of the Bill originally contemplated. Therefore, the Ezhava Bill is no guide in this matter.

Among Nanjanad Vellalas also, a parallel community living under similar conditions, there is a powerful section in favour of complete makkathayam. But I may remind the Council that in that community the rights of *ukantudama* and the *nankudama* were in-

existence for a very long time; so that even in such cases where a member of a marumakkathayam tarwad died before he could get his share from the tarwad, his widow and children were entitled to some portion of the common estate. Now, Sir, to pursue this principle and say that the Nayars are in the same stage of evolution, to argue that, because Ezhavas and Nanjanad Vellalas who have been living under the system of qualified marumakkathayam have gradually advanced a few steps towards makkathayam, the Nayars also should jump into makkathayam is, I fear, imprudent and erroneous because the Nayar community is living in different circumstances from the other communities.

I should proceed now to the basic principles recorded by the Marumakkathayam Committee. I do not read any long extracts. But there are weighty pronouncements. This is what they say:

"The practice of the community, as rightly inferred by the learned President of the Malabar Marriage Commission, is generally to give not the whole but only part of one's acquisitions to his children, especially if there are near relations in the tarwad. If so, to give the whole to the children would be impolitic as disappointing legitimate expectations based on public opinion. To do so would be to revolutionise, and not merely to reform the recognised course of inheritance on the strength of public opinion."

Then again the Committee observe:

"To the proposal to give a half share, it is objected that it is the introduction of a mixed system of inheritance and will cause much uncertainty and consequent litigation. This is believed by what we know of the Nanjanad Vellalas and Ezhavas among whom children get a share of the father's properties, genarally by private adjustment and very rarely by suit. In a population of less than 19,000 Nanjanad Vellalas in the whole State there were only 20 suits in ten years, i. e., less than two suits per year."

Similar figures are given in regard to the Ezhava Community. I am referring to this to show that the practice was recognised by the members of the community, so that litigation was not rampant. Now, Sir, we have to look into the question whether it is proper on our part to jump from marumakkathayam to makkathayam during a span of ten to fifteen years, when parallel communities took a much longer time to do so. I recognise that there is a feeling in favour of it, but, unless this Council has obtained the opinions of a great many representatives of men and women from different parts of the country, we shall not be justified in advocating radical changes.

Mr. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): May I know the method of knowing the feelings?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I wanted to say that even at the time when the Select Committee's report was presented. The best means of getting evidence is to pursue the original method of the Marumakkathayam Committee. Appoint a committee of gentlemen who can go into the whole question, travel about the country and examine witnesses, ask them what it is they want, point out the difficulties and invite their proposals to solve them, scrutinise these opinions and then make adequate proposals; that would be the best thing. Anyhow, the analogy drawn between the Nayar, the Ezhava and the Nanjanad Vellala is a false analogy. The Ezhava and the Vellala wanted only a recognition of the existing customs, with

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something added on to it. But so far as the Nayars are concerned, the radical reform that even in families in which there is not the faintest tinge of makkathayam, where there is not the slightest whisper of the husband providing for the wife and children, where it is the uncle and the brother alone that look after the women and their children, the inclination to be fascinated by the customs of other communities, and, to have a law on the lines of their laws--that kind of radical reform cannot be accepted without challenge. The maternal relations are, according to the present law, the heirs to one-half of the properties of an intestate Nayar male. Now, Sir, are we justified in disappointing expectations? The women in a Nayar tarwad, especially where they have got a direct brother or direct uncle, are looking up to him for protection; and they were expecting it all this time as a direct consequence of the law which the Nayar society in Travancore and the Travancore courts have accepted. Their hope has all along been that some portion of the acquisitions made by the brother and uncle would go to them under normal circumstances. I need not dwell at length, on the very great trouble, the hardships amounting almost to misery, experienced by those people to send their male children to places like Trivandrum and keep them at school. The mother would have had to pledge all the few ornaments she possessed. The sister would have to do likewise. Even the distant cousins might have done so. It is very often, without putting the maximum food into the stomach and without having enough to dress themselves with, that the affectionate women of the Nayar community have been maintaining their male relations, sons and brothers and nephews at school. And their hope—

MR. A. HOOGEWERF (*Nominated*): Sir,—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not like to be interrupted. If Mr. Hoogewerf wishes to ask a question, he can ask me at the end of my speech.

MR. A. HOOGEWERF (*Nominated*): Then I may forget it.

PRESIDENT: Mr. Hoogewerf, you may put the question at the end of a sentence.

MR. A. HOOGEWERF (*Nominated*): May I ask Mr. T. K. Velu Pillai whether the same conditions will not prevail then also?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Sir, the question is very important, and I shall answer it. Now I am referring to the circumstance that those people who put themselves to great hardships, have been hoping that some day the brothers or the uncles or the nephews who were studying in Madras, Trivandrum or Ernakulam, or for that matter in London or Edinburgh, would come back with laurels hoping that there would then be a cessation of their diffiulties. They hope that the dawn of their comfort and affluence would not be far off. When that is the kind of pious hope upon which these unfortunate women have been living, the proposed law steps in to say that

a man who has taken the fullest advantage of these feelings and sacrifices lives and ought to live for his wife and children alone; that these women who made him what he is, who made him an agreeable husband to a suitable girl, that these women should not have any share of his property. It might be asked, Sir, how the women in makkathayam societies continued to be happy under their law. It is well-known that among makkathayam people there is the dowry for the women which in certain cases exceeds the shares of the sons. The condition of the marumakkathayam tarwads is different; it is because the court recognised this custom, it is because the legislature did not interfere, that women continue to lavish all their care and attention and solicitude, their scanty earnings and the results of their industrious borrowings, on the education of their maternal relations. The times, no doubt, are changing, and hereafter, it is not likely that the old spirit will be as robust and sanguine as it was. But there are women living who have put themselves to all this suffering. There are women living who expect that these boys who have been thus educated will be of some use to them and their children. Now, all of a sudden, the Travancore Legislative Council, a body composed of enlightened men, proceeds to enact a law which has the effect of saying to the woman: "Look here, woman, we shall not give you anything. We are intent on voting away your rights, your hopes and your expectations" Is this not cruelty? I hope I shall not be misunderstood. I do not say that the claims of the sister, the mother and her children need be superior to the claims of the wife and the sons and the daughters. But the claims of the former class of relations have entered into the formation of our character and our habits. Changes may be necessary. But the general conditions of our society demand that we ought to give some breathing time—a few years—for the inevitable change; so that those unfortunate people who have been nurtured in the present conditions may pass out of the world, and not remain here to shed tears or be the ghosts to trouble joy. A dozen years ago this Council gave the impress of its approval to the strongly expressed opinion of the Nayar Community that a portion of an intestate male's property should devolve on his widow and children. Their readiness can never be praised too much. The proposal was just and benevolent and they signified their assent to it. They also provided for full testamentary capacity. If, then, a man wants to give everything he has to his wife and children, he has got the power. Let him by all means do so. If he does not want to give anything to his sisters and children let us not compel him. But the question is whether the legislature will be justified in stepping forward abruptly to say: "Look here my good man, if you want to give anything to your sister or her children, you must execute a will; otherwise the law would say that it belongs to your wife and children alone." It may be asked why the loving brother could not execute a will in favour of his sisters and their children. It is well known, Sir, that in respectable Nayar tarwads younger sisters do not move freely with their brothers. They do not mix in each other's society; so that the law ought to step in and fortify the original situation. On the other hand, although in places like North

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Travancore there is not a prevalent custom that the wife should live with the husband, still the wife and the husband certainly have facilities to know each other better. There will be better association in future; the children will be playing about the father; the wife will have the opportunity of representing her wishes to the husband. He may also have the necessary inducement because of the growing association of the wife. On the other hand, the sister has no adequate means of acquainting the brother with her wants and wishes. So, in the present conditions of Nayar society, when the sisters cannot get enough or sometimes anything at all from their husbands, and when there is some earning member in the family who may be indented upon during certain occasions for smaller things and perquisites, when naturally the sisters and the children hope to get something from the brother and uncle—the law ought to respect the existing custom. The rights of the wife and children are now being respected by the existing law, and if the whole inheritance is proposed to be given to them, that may be done by a testament. I do not therefore see why there should be so much of weeping and wailing created in innumerable Nayar households by telling the mother and the sisters that the brother on whom the sister doted, that the son who was the hope of declining years, is a stranger so far as his property goes, and that no particle of his property should go to the persons who suffered so much in order to make him a rich man.

MR. A. HOOGEWERF (*Nominated*): May I ask Mr. Velu Pillai whether they have not got a father?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Yes, certainly there must be fathers; otherwise how can children be born? (*Laughter.*) Mr. Hoogewerf ought to know the Nayar society as he was holding important official posts in all parts of Travancore. The difficulty was that formerly the father did not give much, or anything to the children. That was the trouble then. But that was rectified. If a man leaves property, his wife and children ought to get a good portion of it, and the present law provides that 50 per cent. shall go to them.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I ask as to what the father does with the money if he does not give it to his wife and children?

MR. T. K VELU PILLAI (*Trivandrum* cum *Nedumangad*): I think Mr. K. Paramesvaran Pillai knows it as a father himself.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I wish to have an answer from Mr. T. K. Velu Pillai to that question.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): The tendencies of fathers may differ. Some people may spend money on clothing (*laughter*); some on eatables (*laughter*); some may attend theatres. (*Loud laughter.*) But of course tastes may vary. There are very many ways of spending money, good ways and bad ways. However, there is a large majority of fathers in some parts of the country

who have not yet thought of giving the whole of their property to their children; and there are a few even now who do not want to give anything to their children, and therefore, the law directs that one-half of what is left should go to them. It is surely equitable. But, we ought not to do anything to make life miserable to these women—sisters and others—who deserve at least justice and fair-play at our hands.

There is one further argument in this that the present Bill itself does not strike at marumakkathayam completely. In that case there would have been at least a logical position. Once we do away completely with marumakkathayam we need not have any shackles on makkathayam. But marumakkathayam is still perpetuated in the Bill. There are the definitions of karanavan and anandaravan. There are more substantial facts. Section 17 says that if a female has no lineal descendant, her property goes to the mother's thavazhee. Section 18 says that, in case the female dies, leaving children and lineal descendants of deceased children, they shall take the whole of the property left undisposed of by her. Section 19 says that, when the female dies leaving no lineal descendants, the whole of her property shall devolve on her mother's thavazhee. Section 20 says that, if the female dies leaving her surviving only her husband and her grandmother'sthavazhee, one-half of her estate shall be taken by the husband and the other half by the grandmother's thavazhee. Section 21 says that, if she dies leaving none of the heirs mentioned above, the property shall devolve on the thavazhee of her great-grandmother or on the thavazhee of her more remote female ascendants, the nearer excluding the more remote. It will also be found that the karanavan in all these cases is to be in possession of the property. Therefore the present bill does not do away completely with marumakkathayam. It seeks to modify marumakkathayam to remove the existing defects so far as they may be. I am inclined to hold that this Bill recognises to a very great extent the force of the old marumakkathayam ideals. "You may crystallise and recrystallise a soluble salt; the crystals will always be of the same shape". That seems to be the case in endeavouring to get rid of old associations and old institutions. When the wife and children have already obtained the right of getting one-half of the intestate's property, is that not enough unless there is a more effective and more certain means of collecting the opinions and feelings of the people concerned,—the opinions of men and the opinions of women—in favour of any drastic change?

The Travancore Nayars cannot isolate themselves from their kindred. The Nayars in Cochin and the Nayars in British Malabar belong to the same stock. The bundle of habits is more or less the same with all. The Malabar Nayar or the Cochin Nayar has not yet become a makkathayee. We are living under a ruler who is himself a marumakkathayee. There may be those who say that, by one stroke of the pen, or by one process of throwing up of our hands in the Council, a very old law may be immediatedly changed; but I am unable to follow suit and do likewise.

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There are some other difficulties also which I may place before this Council for careful consideration. As I have very often been saying during this session, the Nayar who is a Hindu still believes in certain religious duties. On Amavasya days in the month of Karkadakam, for instance, the Nayar goes to Tiruvallam or other holy places to perform the *Sraddha* rites, thinks of the names of his uncle, his grandmother and her grandmother and other maternal relations. It may be a wrong custom, according to the reformer; it may not be quite logical. It may be called superstition; but the argument that, from the first of Chingam 1100, no *Sraddha* need be performed by an anandaravan is absurd. Mr. Nidiry is asking as to whether the anandaravars will not perform the *Sraddha* hereafter also; and as he does not belong to the Nayar community, I have a duty to tell him that, though the law does not change when property passes to others, the anandaravan may not perform the *Sraddha*; because the principle which obtains among the Hindus generally is that the right to succession follows the way of performing the *Sraddha*. The custom of performing these *Sraddhas* for the manes of the uncles has been in existence and will be in existence at least so far as the present generation is concerned. My friend's question puts me in mind of the case of a certain Greek scholar, who in the course of a famous book observes that among—

PRESIDENT: Your time is up.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*). May I say, Sir, that I am the only man who has given notice of this motion.

PRESIDENT: You have already taken up an hour.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I am sorry; I shall wind up my arguments.

This Greek scholar said that the Greek Gods were controlled by public opinion, so that if anybody thought a God need not be worshipped, that God was dislodged from the Pantheon. But we cannot afford to do that. Feelings and sentiments have to be taken into consideration. Another fatal objection to the acceptance of the present Bill is that, when the ground has not been sufficiently traversed and opinions have not been properly recorded, when the women who have been the stocks of descent in marumakkathayam tarwads have not been consulted, when they have not asserted that in spite of the dangers of the system they are prepared to accept makkathayam and give up marumakkathayam, when enough has not been done in this direction any, superstructure of idea based on false analogies or incorrect parallels must tumble to the ground.

The acceptance of this amendment will not be to the detriment of the widow and children. It is provided that, if there are undivided marumakkathayam heirs, one-half of the deceased man's property goes to them and the other half to the wife, child or children. So far as the

Select Committee's Report is concerned, Section 35 and the following Sections lay down that partition may be effected. It is stated that the trend of public opinion is in favour of individual partition. If that be so, once individual partition is granted, the whole property, whether self-acquired or separate, would only go to the wife and children when once a division is effected. In effect, therefore, Section 35 enables a man to make himself a makkathayee, to prevent any share of his property going to maternal relations. I do not think that we shall be justified, contrary to expectations and quite contrary to habits, in telling these women who have been long expecting something from males of their thavazhee, that they shall not get anything at all. The interests of women make itimperative that they should be consulted.

It was Bentham who said that—"if there was to be any difference in treatment between the sexes, it ought to be in favour of the feebler, in favour of women, who have more wants and fewer means of acquisition or of employing profitably what they possess. But the stronger have had all preferences. Why? Because the stronger have made the laws."

It is the sacred duty of this Council to prevent any invasion of the rights of women. Sir, I am sorry that I have taken up so much time, but considering the importance of the question, and on account of the strong feeling which prevails in the country on this subject, I am placing these matters respectfully before the Council for kind consideration and prudent action.

MR. M. N. PILLAI (*Trivandrum*): I second it.

The Council rose for lunch at 2-15 P. M. and re-assembled at 3-18 P. M.

PRESIDENT: Mr. M. N. Pillai has seconded Mr. Velu Pillai's amendment.

MR. P. PARAMESVARAN (*Nominated*): സ്വാമിൻ, ഇപ്പോൾ മിസ്റ്റർ റ്റി. കെ. വേലുപ്പിള്ള അവതരിപ്പിച്ച അമെൻഡ്മെൻറിന് അനുകൂലമായി ഞാൻ അഭിപ്രായപ്പെടുന്നു. ഈ അനുകൂലാഭിപ്രായത്തിനുള്ള എൻെറ കാരണങ്ങളെ വിശദമാക്കുന്നതിനായി ഈ വകുപ്പിൻെറ വ്യാപ്തിയേയും അതിൽ അടങ്ങിയിരിക്കുന്ന ന്യായത്തേയും പററി സാമാന്യമായി സ്വല്പംമാത്രം നിരൂപിക്കാനുണ്ട്.

ഈഴവരുടെ ഇടയിൽ പണ്ടു പണ്ടെ നടപ്പുള്ളതും ശ്ലാഘ്യവുമായ മിശ്രദായക്രമം സ്ഥാപിച്ചു കിട്ടണമെന്നു വാദിച്ചു കൊണ്ടിരിക്കുന്ന എന്നോളം ഈ അമെൻഡ്മെൻറിൽ അടങ്ങിയിരിക്കുന്ന തത്വത്തെ മനഃപൂർവ്വം അഭിനന്ദിക്കുന്നവർ അധികം കാണുകയില്ല. ഇതിൽ ലൌകി

[Mr. P. Paramesvaran.]

കമായ തത്വം മാത്രമല്ല പാരത്രികമായ തത്വവും അന്തർഭവിച്ചിരിക്കുന്നു. സെലക്കററ് കമ്മററിയിൽ തീർച്ചപ്പെടുത്തിയ വിധത്തിലുള്ള ൧൨-ാം വകുപ്പിലും വസ്തുവിഭാഗത്തെപ്പററിയുള്ള മററു വകുപ്പുകളിലും അടങ്ങിയിരിക്കുന്ന തത്വങ്ങൾ ഈ കൌൺസിലിന് ആലോചനയ്ക്ക് എടുക്കുവാൻ കൂടി അധികാരമില്ലാത്ത സംഗതികളെ സംബന്ധിച്ചവയാകുന്നു. എന്തുകൊണ്ടെന്നാൽ ൧൦൯൭-ാമാണ്ടത്തെ ൨-ാം റഗുലേഷനായ നിയമസഭാറഗുലേഷൻ ൧൧-ാം വകുപ്പിൽ ഏതേതു സംഗതികളെപ്പററി നിയമമുണ്ടാക്കാൻ ഈ സഭയ്ക്ക് അധികാരമില്ല എന്നു പറഞ്ഞിട്ടുണ്ട്. ആ കൂട്ടത്തിൽ ആ റഗുലേഷൻ ൧൨-ാം വകുപ്പ ബി. ഖണ്ഡത്തിൽ "നമ്മുടെ പ്രജാസമൂഹത്തിൽ പെട്ട ഏതെങ്കിലും വർഗ്ഗത്തിൻെറ മതത്തെയാകട്ടെ സംബന്ധദായക്രമങ്ങളെയാകട്ടെ ആചാരങ്ങളെയാകട്ടെ ബാധിക്കുന്ന യാതൊരു വ്യവസ്ഥയും നമ്മുടെ ദിവാൻെറ രേഖാമൂലമായ മുന്നനുവാദം കൂടാതെ യാതൊരു സാമാജികനും ഹാജരാക്കുന്നതു നിയമാനുസൃതമായിരിക്കുന്നതല്ല" എന്ന് പറഞ്ഞിട്ടുണ്ട്. നായർ ബിൽ സെലക്കററ് കമ്മിററിയിൽ തീർച്ചപ്പെടുത്തിയ ൧൨-ാം വകുപ്പ ഈ നിഷേധത്തിൽ ഉൾപ്പെട്ടതാണെന്നു ഞാൻ കാണിക്കാം.

ബ്രാഹ്മണർ തുടങ്ങി ചണ്ഡാളർ പര്യന്തമുള്ള എല്ലാ ഹിന്ദു സമുദായത്തിൻെറയും ദായക്രമം അവരുടെ മതാചാരങ്ങളുടെ നിലനില്പിനു വേണ്ടി അവയോട് അഭേദ്യമായി ഘടിപ്പിച്ച പൂർവ്വകാലം മുതൽക്കേ സ്ഥാപിച്ചിട്ടുള്ളതാകുന്നു. അതായത് മതാചാരമനുസരിച്ച ദായക്രമവും ദായക്രമത്തെ ആസ്പദമാക്കി മതാചാരങ്ങളും പരസ്പരം യോജിച്ച് അഭേദ്യമായി കല്പിക്കപ്പെട്ടിരിക്കുന്നു. എങ്കിലും ഇവയിൽ ഏററവും പ്രധാനത്വം മതാചാരങ്ങൾക്കാണ് കല്പിക്കപ്പെട്ടിരിക്കുന്നത്. ഇതിനു വിപരീതമായി ഏതെങ്കിലും ഒരു സമുദായത്തിൻെറ ദായക്രമത്തെ ഛേദിച്ചാൽ മതാചാരവും മതാചാരത്തെ ഭേദപ്പെടുത്തിയാൽ കുഡുംബസ്വത്തവകാശവും നശിച്ച് മതഭ്രഷ്ടരും കുഡുംബഭ്രഷ്ടരും ആയിത്തീരുന്നതാണ് എന്ന് ചുവടേ പറയുന്ന കാരണങ്ങളാൽ വ്യക്തപ്പെടുന്നതാണ്.

ഏതെങ്കിലും ഒരു നായർ തറവാട്ടിലെ ആകെയുള്ള അംഗങ്ങൾ പത്ത് എന്നിരിക്കട്ടെ. അവരിൽ ൯ പേർ അന്യമതത്തിൽ ചേർന്നു എന്നും വരട്ടെ. ആ ഒൻപതുപേരും തറവാട്ടുസ്വത്തിനു അവകാശികളല്ലാതായിത്തീരുന്നു. ഈ വിഷയം മതാചാരപ്രധാനമാകയാൽ തറവാട്ടിലെ മെജാറിററിയെ തീരെ ഗണിക്കുന്നില്ല. എന്നു മാത്രമല്ല ഇവർ പ

ത്തുപേരും ഒരു തള്ള പ്രസവിച്ച മക്കളായിരുന്നാൽ തന്നെയും പ്രകൃതിസിദ്ധമായ ശരീരസംബന്ധവും നശിച്ചുപോകുന്നു. അത് ആ തറവാട്ടിലെ പൂർവീകന്മാർ പാരമ്പരയായി സ്ഥാപിച്ചു വന്നിട്ടുള്ള തറവാട്ടു സമ്പ്രദായവും അതിലേക്കുള്ള സ്വത്തുക്കളും തങ്ങളുടെ മത കർമ്മങ്ങളേയും മതസ്ഥാപനങ്ങളേയും വിധിപ്പടി പരിപാലിച്ചു തറവാട്ടു ശാശ്വതമായി അനുഭവിച്ചു കൊള്ളണമെന്നുള്ള സങ്കല്പം പ്രധാനമായ ഏർപ്പാടാകനാൽ മാത്രമാകുന്നു.

ഈ നായർ ബിൽ മേൽപ്രകാരം മതാചാരങ്ങളുടെ നിലനില്പിന് ആസ്പദമായിരിക്കുന്ന തറവാടിനെ നശിപ്പിച്ച് മതാചാരത്തെ ഭേദിപ്പിക്കുന്നതാണെന്ന് ഇനിയും പറയാൻ പോകുന്ന കാരണങ്ങളാലും തെളിയിച്ചുകൊള്ളുന്നു. മരുമക്കത്തായസ്വത്തിൽ ഒരാൾ മരിച്ചാൽ സംസ്കാരം, ബലി, ആട്ടബലി മുതലായവ നടത്തുന്നത് അവരുടെ തറവാട്ടിലെ ചുമതലാവകാശികളായ അനന്തരവന്മാരാകുന്നു. തറവാട് ആളെണ്ണി ഭാഗിച്ച് ഓരോരുത്തരുടേയും ഓഹരി അവരുടെ മക്കൾക്കു കൊടുത്താൽ തറവാട്ടും മേല്പറഞ്ഞ മതാചാരങ്ങളും തറവാട്ടുവകയായ ക്ഷേത്രങ്ങളും തറവാട്ടിലേക്ക് ഊരാണ്മസ്ഥാപനമുള്ള ക്ഷേത്രങ്ങളും നശിച്ചുപോകുന്നതാകുന്നു. ഇതിനാൽ ആളെണ്ണി ഭാഗം തറവാട്ടു നാശവും മതാചാരാനുഷ്ഠാന വിരോധവും ഉണ്ടാക്കി തീർക്കുന്നതാകയാൽ മേല്പറഞ്ഞ മതാചാരങ്ങളെ അവഗണിച്ചുള്ള തറവാട്ടുഭാഗം ഒരിക്കലും ചെയ്യത്തക്കതല്ല. ചെയ്യുന്നത് മതാചാരവിരുദ്ധവും ആകുന്നു. നായർ തറവാട്ടിൽ മുതലവകാശമുള്ള ഒരു സ്ത്രീ പ്രസവിച്ചാൽ "വാലായ്മ" എന്നും ഒരംഗം മരിച്ചാൽ "പുല" എന്നും പല ആചാരങ്ങൾ ഉണ്ട്. ഈ ആചാരങ്ങൾ ഹിന്ദുസമുദായത്തിൽപെട്ട സകല സമുദായങ്ങളും അവരവരുടെ ദായക്രമമനുസരിച്ച് ആചരിച്ച് വരുന്നവയും ആകുന്നു. നായർസമുദായത്തിലെ പുല, വാലായ്മ എന്ന ആചാരങ്ങൾ തറവാട്ടിലെ അംഗങ്ങളെ സംബന്ധിച്ച കാര്യങ്ങളിലാണ് അനുഷ്ഠിക്കാറുള്ളതു. തറവാട്ടിലെ പുരുഷന്മാർക്ക് മക്കളുണ്ടാകുമ്പോഴൊ ഭാര്യയും മക്കളും മരിക്കുമ്പോഴൊ ഇതുകൾ അനുഷ്ഠിക്കാറില്ല. തറവാട് ആളെണ്ണി ഭാഗിച്ച് മക്കൾവഴിക്കു സ്വത്തു വിനിയോഗിക്കുന്നതായാൽ മേല്പറഞ്ഞ പുല വാലായ്മയാചാരങ്ങൾ നശിച്ചുപോകുന്നു. ആ ആചാരനാശത്താൽ ക്ഷേത്രപ്രവേശനവിരോധം മുതലായ വൈദികകല്പനകൾക്ക് ഉൾപ്പെടേണ്ടതായ കഷ്ടതകൾ നേരിടുന്നതിനും മററു പല കുഴപ്പങ്ങൾ ഉണ്ടാകുന്നതിനും ഇടവരുന്നതാണ്. ഹിന്ദു സമുദായത്തിൽപെട്ട യാതൊരു സമുദായത്തിന്റേയും ദായക്രമം ഏതൊരു കൌൺസിലുകളുടേയും ഭൂരിപക്ഷത്താൽ സ്ഥാപിതമായിട്ടുള്ള

[Mr P. Paramesvaran.]

വയല്ല. അവ പൂർവ്വകാലം മുതല്ക്കുതന്നെ മതാചാരപ്രധാനമായി കല്പിക്കപ്പെട്ടിട്ടുള്ളതാണ്. അതിനെ ഭേദപ്പെടുത്താൻ ആക്കും അധികാരമില്ല. ഇതേവരെ ഏതെങ്കിലും ഒരു സമുദായത്തിൻെറ ദായക്രമം നിയമസഭ ഭേദം ചെയ്തിട്ടുള്ളതായി അറിയുന്നില്ല. ൧൦൯൨-ലെ നായർ റെഗുലേഷണിൽ ഈ വക തറവാട്ടിനേയും മതാചാരങ്ങളേയും നശിപ്പിക്കത്തെക്കതായ യാതൊരു വ്യവസ്ഥയും ഇല്ലാതിരുന്നതിനാലാണ് ആ റെഗുലേഷൻ നിയമസഭയും വലിയതമ്പുരാൻ തിരുമനസ്സുകൊണ്ടും പാസ്സാക്കാൻ ഇടയായത്. അതിൽ ഓരോരുത്തരുടേയും സ്വാർജിതത്തിൽ ഒന്നുപകുതിമാത്രം മക്കൾക്കു ചെല്ലുന്നതാണെന്നുള്ള വ്യവസ്ഥയാണ് വിശേഷവിധിയായി ഏർപ്പെടുത്തപ്പെട്ടത്. സ്വാർജിതം മുഴുവനും സ്വേച്ഛാനുസരണം വിനിയോഗിക്കാൻ അധികാരമുണ്ടായിരിക്കെ അപ്രകാരം ചെയ്യുന്നവരുടെ മരണാനന്തരം നേർപകുതിക്കുമാത്രമെ കൊടുക്കാവൂ എന്നു നിയമമുണ്ടാക്കിയത് തറവാട്ടിൻെറ നിലനില്പിനും സമുദായാചാരത്തിൻെറ നിർവഹണത്തിനും വേണ്ടി മാത്രമാണ്.

ഈ ബിൽ അനുവദിച്ചു പാസ്സാകുന്നപക്ഷം ഓരോ തറവാട്ടിലേയും പ്രായപൂർത്തിയുള്ള ഓരോരോ അംഗത്തിൻേറയും ഒന്നായുള്ള സമ്മതവും അപേക്ഷയും ബോധ്യപ്പെട്ടതിനുശേഷമെ ആ കുഡുംബത്തെ ബില്ലിനാൽ ബന്ധിക്കുവാൻ പാടുള്ളൂ എന്നൊരു ഏർപ്പാടുകൂടി ഉണ്ടായിരിക്കണം. അല്ലാത്തപക്ഷം എത്രയോ തറവാടുകൾ അന്യായമായി നശിച്ചുപോകാൻ ഇടയാകുന്നതാണ്. ഈ പുരിയ നായർബിൽ പ്രയോഗിക്കാൻ അനുവാദത്തിന് അപേക്ഷിക്കയും അനുവാദം നല്കുകയും അനുവാദം അനുസരിച്ചു ബിൽ പ്രയോഗിക്കയും ഇത്രത്തോളം ദശയിൽ വളരുകയും ചെയ്തിരിക്കുന്ന ഈ അവസരത്തിൽ ബില്ലിൻെറ മൂലതത്വത്തെപ്പററി പറയുന്നതിന് യാതൊരു മെംബർക്കും അവകാശമില്ല എന്നൊരു വാദം ജനിക്കും എന്ന് എനിക്കും അറിയാം. എന്നാൽ ഈ ബില്ലിലെ വ്യവസ്ഥകൾ നിമിത്തം മതകാര്യങ്ങൾക്കും മതാചാരങ്ങൾക്കും ദോഷം വരുമെന്നുള്ള വിചാരം അക്കാലത്തില്ലാതിരുന്നതിനാലാണ് അങ്ങനെ അനുവാദം തരാൻ ഇടയായിപ്പോയത് എന്നു ഞാൻ വിചാരിക്കുന്നു. ഇക്കാരണങ്ങളാൽ ഇപ്പോഴത്തെ ൧൨-ാംവകുപ്പിനെമാററി മിസ്റ്റർ ററി. കെ. വേലുപ്പിള്ളയുടെ അമൻഡുമെൻറിനെ സ്വീകരിക്കുന്നപക്ഷം മതാചാരങ്ങൾക്കു വിരോധം നേരിടുന്നതല്ലെന്നും അല്ലാത്തപക്ഷം ഈ കൌൺസിലിൻെറ പ്രവൃത്തി നിയമവിരുദ്ധമായിരിക്കുമെന്നും ഞാൻ വിചാരിക്കുന്നു.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I object to the amendment proposed by Mr. Velu Pillai. The effect of the amendment, if accepted, would be to change the whole scheme of the Bill now before the Council for its consideration. I fully recognise the spirit, as Mr. Velu Pillai put it, with which he moved the amendment. I also recognise the fact that he had in mind something more than the interests of the tarwad in moving this amendment. Nevertheless it appears to me that he has the distinction of being rather unique in this matter. If there is one portion of this Bill which has received absolutely no protest from any quarter whatsoever, it is this portion relating to intestate succession. There were various protests and amendments by several members; various criticisms were made on the Bill in the press, on the platfrom and by individual members. But this is the first time that I hear any objection to the portion relating to intestate succession in the Bill. Mr. Velu Pillai seems to think that it is a revolutionary change. He seems to think that even in 1088 it was rather a corrective to have given the right to the children.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I did not say so.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): At any rate he told us that ten years--he evidently counted from the year 1088, the year in which the Nayar Regulation was passed--ten years were not sufficient to change the manners and customs of the people. From what I know about this matter, I think that it was undoubtedly not in ten years that the feelings of the Nayar community upon this matter became shaped. But there is evidence to show that at least for more than two hundred years the sentiments and opinions of the community in this matter have begun to change. I have read in Kunjan Nambiyar, one of the famous poets of Malayalam Literature, that the karnavan gave constant presents and gifts to his wife and children and impoverished the tarwad. That was one of the complaints made by the anadaravars against the karnavans even in those ancient days. Kunjan Nambiyar lived about two hundred years ago and he has described the state of the tarwads in those days very accurately though humourously; and therefore it appears to me that the change in the opinions of the people must have begun at least two hundred years ago. Probably, the disruption of the tarwad also had begun then.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I may correct my friend. With regard to the change of the tarward it was that I said fifteen years. What I said was that the idea of the whole of the self-acquisition going to the wife and children was not more than ten or fifteen years old.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is what I say. The complaints of presents to the wife and children at the risk of impoverishing the tarwad and at the expense of the tarwad began more than two hundred years ago. At any rate, it was prevalent during the time of Kunjan Nambiyar. Mr. Velu Pillai quoted Justice

[Mr. K. Paramesvaran Pillai.]

Holloway. But I hope Mr. Velu Pillai has also read Mr. Mayne's comments on the same. He seems to think that long ago the Nayar tarwads would have become completely disrupted and the marumakkathayam tarwads would have been superseded by makkathayam tarwads if the British courts, had only permitted them to do so. The British Courts came at a time when the tarwad system was undergoing a flux, but the British courts, instead of allowing it to go on, stiffened and solidified the law as it stood then and made it impossible for the law to progress or to make changes excepting through the help of the legislature. So, Mr. Mayne says that if the law allowed them to do so, marumakkathayam tarwads would have long ago become disrupted, marumakkathayam families would have ceased to exist and makkathayam would have superseded them long ago. That seems to have been Mr. Mayne's opinion. Partition was prevalent in marumkkathayam tarwads long ago. I may also refer to Justice Holloway's opinion in another respect. He also speaks of the interests of the karnavan conflicting with his duty. What does the expression 'the interests of the karnavan conflicting with his duty', mean? His interest is to benefit and to protect his children while his obvious duty is to manage the tarwad to the best of his ability for the benefit of his anandaravars. So, he has to make constant misappropriations of tarwad funds for the purpose of maintaining his wife and children. So that, this makkathayam tendency is not the growth of the last ten years or twenty years. It appears to me that it is the growth of the last two or three centuries and it received a set back at the hands of the British courts in Malabar.

In Travancore also, the partition of marumakkathayam tarwads was very common and I have myself seen judgments in which the Travancore High Court itself decreed partition of tarward property. The result would be the formation of makkathayam groups. It has often been complained against the Malabar judges who came here later and who were appointed in our High Court, that it was they who prevented our progress towards makkthayam, because their opinions of Malabar law as laid down by Justice Halloway tended to re-establish the old order of things in Travancore also. The Marumakkathayam Committee which sat in 1084 or 1085 took evidence and the evidence was very much in favour of giving at least a portion of the acquisitions of an individual member of a Marumakkathayam tarwad to his wife and children, and the marumakkathayam Committee itself thought that the system was unnatural and the inheritance should properly be in the line of lineal descendants. But they thought that a custom had grown up against it and a violent change in the custom was not expedient or politic, and therefore they recommended that one-half of the self-acquired or separate property of a deceased Nayar should devolve upon his wife and children and the other half upon his undivided marumakkathayam heirs. That was only the very first step. Since then, there has been agitatation in the press and on the platform for individual partition. This opinion has been growing for the last ten years and makkathayam was always associated with individual partition. Once

individual partition was established makkathayam followed as a matter of course. According to the Nayar Regulation as it now stands, Individual partition it was thought would inure to the disadvantage of Nayars unless it led to the formation of makkathayam families and therefore those who advocated individual partition also advocated that makkathayam should be established side by side It was therefore in pursuance of the growing sentiments of the community that this Bill was drafted on these lines. We have practically provided for individual partition in this Bill, and as a result of it, when we become divided, the property descends to the lineal descendants. Now, I have already submitted that it is also the direct result of Regulation I of 1088—that is the Nayar Regulation. According to the Nayar Regulation itself, if a person becomes divided from the tarwad and leaves no undivided marumakkathayam heirs, then all his properties would devolve upon his wife and children, if any, surviving him. Once the principle of individual partition was accepted, then it should follow as a matter of course from Regulation I of 1088 itself, that the line of descent must be makkathayam and not marumakkathayam; that is, the change of devolution of property from marumakkathayam to makkathayam, I submit, is merely the natural result of Regulation I of 1088, and of the provision for practically individual partition in this Regulation. These put together, without any special enactment, stand for the makkathayam system of inheritance. Therefore, it appears to me that this is not a revolutionary change. It is a change which has been the result of time and the growing sentiments of the community for the last several years, more than a century or more, although it received a set-back in the interval, namely, in the days of British Judges. But we had to get out of that difficulty by means of legislative enactments, and we made the first attempt in 1088. We are not now satisfied with that piece of legislation, and as a consequence of the acceptance of the principle of individual partition in this Bill, provision has to be made for complete intestate succession. So that, no revolutionary change is sought to be introduced into it. This change would have come about many years ago had the circumstances been otherwise. It is already too late. I may say, it should have come several years ago for the purpose of protecting the interests of the Nayar community as a whole, and now that it has come, nobody can complain that it has come too early. The reform has been long overdue and it has come not a day too soon. I do not therefore agree with my friend Mr. T. K. Velu Pillai in thinking that this reform is revolutionary or that it is premature. Now Mr. Velu Pillai has been saying that we shall be defeating expectations if we do not give a portion of our acquisition to our nephews, nieces and other marumakkathayam heirs, because they would be expecting under the present law to inherit one-half of the self-acquired property of a deceased person.

In the first place, from Mr. Velu Pillai's own statement it appears to me that the anandaravars cannot legitimately be entertaining any expectations to succeed to their karanavan at all, because Mr. Velu Pillai

[Mr. K. Paramesvaran Pillai.]

was complaining that, in North Travancore or in other parts of Travancore, they do not leave their acquisitions to their anandaravars. I asked him as to what they did with their money, in case they had any money. He said that they spent their money upon fancy dress, theatres and luxuries of that kind. (*Laughter.*) Therefore —

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I said that some persons would spend the money in that way.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): At any rate he did not tell us that any portion would go to the marumakkathayam heirs. If that is so—

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): A word of personal explanation. Because I did not say a thing which is known to everybody it does not mean that my case loses its force. Does Mr. Paramesvaran Pillai seriously believe that nobody gave any money to his sisters or other marumakkathayam heirs?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): At any rate, Sir, that was the answer we got and we have to build upon that answer.

Again, I submit, Sir, if, as I contend that the modern tendency has been for a man to love his wife and children and to live with them and to give them all his acquisitions, the sisters also being wives and daughters would naturally not build any expectations on the acquisitions of their brothers and uncles. They know that, when they expect to get all the acquisitions of their husbands and their fathers, they cannot logically expect to inherit the acquisitions of their Marumakkathayam relations.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Paramesvaran Pillai if there is not a large number of unmarried women in Nayar tarwads?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not know. Of course there are married and unmarried women in every community.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is marriage compulsory among Nayars as in the case of the Mitakshara Hindus?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not know that marriage is compulsory in any community; at any rate, I know that marriage is not compulsory with Nayars.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it in the sense that it is not punishable under the criminal law?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Yes, in every sense.

In that case, I submit there is no reason of any expectations being entertained by a person in respect of the properties of a brother or a sister or of any other marumakkathayam relative. I do not agree with

the Marumakkathayam Committee in thinking that the system is unnatural, though I say so with due respect to the views of the committee. It depends upon the stage of the particular society. In some stages of the society marumakkathayam will be more natural than makkathayam, and, in some other stages of the society, makkathayam may be more natural than marumakkathayam. I do not put it upon that ground. But the question is, what should be the policy of the legislature, what is the custom and what is the tendency of the community as a whole? The Council knows that, as a matter of fact, the tendency in modern times among Nayars has been for each man to live with his wife and children and not in his tarwad. It has become practically impossible for any man to live with his sisters and brothers. Excepting in the matter of the law of inheritance, most of the Nayars are practically makkathayees, because they do not live in their tarwads but in separte houses with their wives and children.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Paramesvaran Pillai what percentage among the Nayar women in Travancore, say in the Kottayam Division, live with their husbands?

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): I think there is a large percentage. I do not know what the exact percentage is, but of course, there is a large percentage of people who live with their husbands. So that, I submit that, according to all principles of legislation, the affection must be the prime motive for legislation so far as inheritance is concerned. My friend Mr. Velu Pillai said something with respect to the protection of women. He told us that the karanavan was the natural protector of our women who were living in the tarwad and that their acquisitions must go to our women and so forth. Of course, there might have been a time when the marumakkathayam system was in its pristine glory, as Mr. Velu Pillai said. But, in my opinion, Sir, it has long since ceased to be so. On the other hand—

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): How many years ago?

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Several years.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is he in a position to give some figure?

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): Any figure you want.

Mr. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will it be twenty-five?

Mr. K. PARAMESVARAN PILLAI (*Tiruvalla*): It will be fifty years. It has long since ceased to be so.

The next complaint is that the karanavan does not look after the interests of any but his own wife and children. It is in the interests of the women, therefore, that I say that there should be individual partition and makkatayam, because the karanavan cares more for

[Mr. K. Paramesvaran Pillai.]

his wife and children than for his sister or any other woman in the family. Naturally enough, therefore, women want more protection in the present state of the tarwads. Therefore I say that we should have individual partition and a law for complete devolution of property in favour of one's wife and children primarily for the protection of our women and children.

I may also submit, Sir, the Council knows that, when the Ezhava Bill provided for a complete system of inheritance in the makkathayam line, there was a very serious protest from certain conservative members of the community who wanted to preserve what is known as misradayam. Then some people tried their level best by means of petitions to the Government, by means of petitions to the Council and to individual members, to have the Bill amended so as to retain the old system of misradayam. Evidently, there is a small number of people at least—I do not know whether it is the minority or majority—in the Ezhava community who would like to retain the existing system and not make any change. On the other hand, we find that, although there have been several meetings, several representations and several memorials in regard to this Nayar Regulation, there has not been a single protest from any person or body or society against this portion of the Bill or for maintaining the existing system. Therefore, it appears to me that the Nayar community is now even more anxious that a change should be effected in its system of inheritance than the Ezhava community. Whatever may be the position of Ezhavas in this matter, that the Nayar community is quite prepared to accept this piece of legislation, I have absolutely no doubt. I may also assure the House that after this Bill was introduced into this Council I myself had occasion to meet several conservative members of the community in various parts of Travancore and I had also occasion to discuss with them the several provisions of this measure. There was, in some cases, very severe protest against the law of individual partition. But I heard absolutely no opinion against the makkathayam system of inheritance that was sought to be introduced into the Nayar community by means of this legislation. Not a single individual spoke against that, although, as I have already said, there was some difference of opinion in regard to partition—as to how partition should be effected and to what extent. Though in one sense it is not a revolution, in another sense it is a revolution inasmuch as the change is radical. I do not agree with Mr. Velu Pillai in thinking that it is revolutionary inasmuch as it is sudden, but, on the other hand, I may agree with him in thinking that it is radical.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I was quoting the report of the Marumakkathayam Committee.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I may say it is radical. Therefore, probably, that was what induced Mr. Velu Pillai in

bringing up this amendment, so that this radical piece of legislation may not be passed by the Council at least without a protest. I believe that is the only object with which Mr. Velu Pillai has brought forward this amendment.

MR. A. HOOGEWERF (*Nominated*): I rise to oppose the amendment, especially after the very lucid way in which the mover of the Bill has explained the matter. I have just to make one or two remarks by the way. We accepted monogamy because the educated classes, the *intelligentsia* of the country, follow monogamy. Their leaders are also following monogamy and so the rest of the people have to follow the lead. In fact during the discussion yesterday, it was shown that most of the people are monogamous. Then, with regard to makkathayam, the same analogy will hold good. Most of the people are makkathayees. Because it has been long delayed, that is no reason why it should be allowed to continue. I say that is the very reason, as Mr. Paramesvaran Pillai was putting it, for introducing it as soon as possible. The country is ready for it. In fact it is long due. It is not a leap in the dark—I heard the expression from Mr. Velu Pillai or Mr. Paramesvaran Pillai.

PRESIDENT: Mr. Velu Pillai used the expression "radical change" or something like that.

MR. A. HOOGEWERF (*Nominated*): I do not think so. A change has to be brought about somehow or other. Mr. T. K. Velu Pillai said that he was in favour of the niece, brother and sister alike to be included. That is because the marumakkathayam law prevails at present. That is begging the question. As soon as the makkathayam law is introduced they will run up to their mother and other protectors. There will be no disruption whatever of family life. The Ezhavas have accepted makkathayam and I do not see why the Nayar community, which I think is far ahead of the Ezhava community, should not accept it. It is quite the natural order of things that the wife, husband, and children must live together. That is the family life. This system of marumakkathayam is unique in Travancore. It is a very great pity that it exists here.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I may tell Mr. Hoogewerf that the system exists in Travancore, Cochin Malabar and South Canara.

MR. A. HOOGEWERF (*Nominated*): All to their shame. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivanrdum* cum *Nedumangad*): I think, Sir, that as a member of the community I have got the right to resent that. I want Mr. Hoogewerf to withdraw the statement. Does he think that the Nayar community is to be ashmed because it follows marumakkathayam? I wish Mr. Hoogewerf would withdraw the statement.

MR. A. HOOGEWERF (*Nominated*): There is absolutely no reflection upon the community. It only refers to the particular system of inheritance, marital relations, etc., prevailing in the community.

[Mr. T. K. Velu Pillai.]

PRESIDENT: That is according to your view, Mr. Hoogewerf ?

MR. A. HOOGEWERF (*Nominated*): Yes, Sir. If you want me to withdraw I shall very gladly do it. I have very great respect for the community, and Mr. Velu Pillai and other Nayars are all my brothers. (*Laughter.*) The wife lives in her tarwad house because there is the tarwad system existing and she has to look to her tarwad people for help on account of the present system. She will be rushing to her husband as soon as makkathayam law is passed. The present system is very unnatural and for these reasons we must introduce makkathayam as early as possible.

MR. T. K. VELU PILLAI (*Tirvandrum* cum *Nedumangad*): Sir, my position has been misunderstood to a very great extent. I do not in the least object to fathers leaving their whole property to their children if they are so inclined. I do not propose to take away the full testamentary authority or any other power of disposition *iter vivos.* My argument is that there is a debt payable by members of the marumakkathayam tarwad, and this debt had been contracted for their education or for some other means of enabling them to make self-acquisitions. That should be considered in the nature of a trust, and a trust must have precedence over everything else. If an intestate has debts they are charged first upon his self-acquired and separate property. If the State proposes to levy succession duty that will have the precedence. If, for public purposes, for fiscal and other reasons, some portion of the money left by an intestate can be appropriated, that analogy should be legitimately extended to the repayment of sums advanced by people in the full expectation that the man who got the benefit of the money would pay it back by contributing something to the well-being of the family. I submit that is an attitude which should not be penalised. I do not say that we should prohibit makkathayam for ever. Mr. Paramesvaran Pillai said that my position was unique. I may say, Sir, that there are several others of my way of thinking. Mr. Paramesvaran Pillai pointed out that there were people in different parts of the country who had acquiesced in the present Bill as revised by the Select Committee. That may be partly true. But I know several people who think that rights over the intestate's property should not be given at this stage solely to his wife and children. Talking particularly of my constituency, I have had occasion to speak to various persons, very respectable and rich men, touching this important matter. They maintain that the half-and-half rule should be enough for the present. The means available to both of us, to Mr. Paramesvaran Pillai and myself, of finding out the direction of public opinion in this matter is more or less the same. I have had the occasion to speak to gentlemen in other parts of the State also. Mr Paramesvaran Pillai was quoting Kunjan Nambiar. I admire and respect Kunjan Namibar; but Kunjan Nambiar always had a fling at the Nayars as will be testified to by Mr. P. K. Narayana Pillai who sits in front of me. So, if my friend Mr. Parmesvaran Pillai bases his conclusion regarding the Nayar community on the evidence furnished by Kunjan Nambiar, he will be landed in dangerous shoals. Mr. Halloway's judgment has

been quoted. I have also gone through some of the judgments of that remarkable Judge. He says, no doubt, that the interference of the court was not proper. But it was more with reference to the mismanagement of tarwads and the necessity of partition that Mr. Halloway considered the whole question of marumakkathayam, and not with regard to the question of giving the whole of the self-acquired property of a Nayar male to his wife and children. I believe Mr. Paramesvaran Pillai will bear that distinction in mind. If he will be so good as to place before the Council any *dicta*, whether *obiter* or proper, from the judgments of Mr. Halloway where he has said that, among the Nayars, the whole of the self-acquired property ought to go to the wife and children, I shall certainly thank him. And one may have his own views in spite of what the eminent judge said years ago.

The analogy of the Ezhavas having a law as proposed in the Bill has been dwelt upon by me at the very beginning. Considering the circumstance that they were following a mixed system of inheritance, they might be justified in their desire for makkathayam. But a period of ten or fifteen years is not adequate to change the Nayar system of inheritance from marumakkathayam to makkathayam.

MR. N. KUMARAN (*Nominated*): Is Mr. T. K. Velu Pillai aware that two-thirds of the Ezhava community follow marumakkatayam and only one-third follow the mixed system?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am aware of that. If one did not learn that even after the discussion of the Ezhava Bill, it would be unpardonable.

Mr. Paramesvaran Pillai said that the whole scheme of the Bill would be changed if the amendment was to be adopted. I do not think it is a fact, because, if the Section regarding individual partition is accepted, as he hopes it would be, there will be no difficulty. It is only so long as the status of non-division is maintained that Section 12 as proposed by me would operate. So, if individual partition comes, the Gordian knot will be cut and these questions will not arise. Even if a man is not prepared to ask for partition, if he happens to possess any considerable self-acquisition, he can will it away. Sir, I might mention one circumstance. My friend Mr. Kumara Pillai, whose experience of the Nayar community is not second to that of any one here, told me some days back that there was a paddy field belonging to his tarwad which was outstanding on mortgage, and although God had given him enough money he would not propose to redeem it for a sacred reason. That reason was that it was by that mortgage amount that Mr. Thanu Pillai, our revered countryman of happy memory, who did so much to reform the marumakkathyam law—it was with that money also that Mr. Thanu Pillai was educated. I am referring to this to satisfy the House that there are people who even now derive benefits from the education which they have been able to acquire at the cost of the family.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Velu Pillai the percentage of persons educated at the expense of the tarwad?

[Mr. K. Paramesvaran Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know from Mr. Narayana Pillai the percentage of people who have not received the assistance of the tarwad? If he can give that information I shall certainly give him the information he requires. (*Laughter.*)

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am thankful for the illuminating answer. (*Laughter.*)

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): For a very illuminating question there is a perfectly illuminating answer. I know that most of my Nayar friends who were my class-mates at college were maintained at the college by their tarwads. There were others who came here without any help from the tarwad and worked their way up. Such people may not be able to realise the situation, because they do not owe much to the tarwad. So far as this House is concerned, I do not attach —

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether Mr. Velu Pillai was educated at the expense of the tarwad?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Mostly at the expense of my dear father and partly from my tarwad. But my father intended that my sisters and brothers should have a claim to what I might earn. I am only saying that the laws of inheritance should not be changed so suddenly and so radically. And there is nothing inequitable in preserving the existing law because there is complete testamentary power which may be availed of by the father in favour of his children, if he so desires.

Sir, there is a difficulty under which I am labouring, and it is the importance of circumstances. I do not attribute any motive to anybody; far be it from me to do so. It may be that some of my friends in this Council, belonging to the Nayar community, cannot really appreciate the feelings that subsist between brothers and sisters, because there is a rather large proportion of my friends here who have no sisters. Those who are able to realise the actual condition of things will, I trust, not vote against my motion. After all, life is life and affection is affection whether it proceeds from the wife and children or from the mother or sister, and obligations are also the same.

MR. A. HOOGEWERF (*Nominated*): Am I to undertand from Mr. Velu Pillai that, if the system is changed, boys and girls will not be educated?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not say that. I am only talking of the past history and the existing conditions.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know from Mr. Velu Pillai whether the members following the Mitakshara Law have no affection for brothers and sisters?

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Certainly they have. They have been living in that system for a long time without being influenced or operated upon by the new-fangled notions of reform. I have seen some members of the Nayar community who are able to realise that feeling, the feeling of gratitude for the benefits they have received from the tarwad. My friend Mr. Kumara Pillai will testify to that. I once heard some enlightened gentlemen saying that the mother and sister should have nothing to meddle with the property of a man. It is because of such persons that I have spoken at some length. I would only request them to consider whether sisters, nieces and aunts are not entitled to put their case strongly before this House, particularly because the system was in existence for a very long time and has been respected by the best men of the community.

If a Regulation is proposed to be passed to modify the laws of the Christian community or the Brahmin community to the effect that the daughters should have equal shares with the sons I do not think that the House will pass any such measure. The principle of distributing one's assets equally between his children, male and female, will be most equitable. Still they would oppose such a measure. Changes in the law should be always slow. The Englishman probably realises that primogeniture is not quite good, and although there is a very enlightened democracy in England they do not legislate for the abolition of primogeniture. Even in unimportant matters legislative changes are always tardy and difficult. Even a modification of the calendar, legislatures have found very difficult to effect. A friend was telling me the other day about a very insignificant thing that the English people are not able to change, *viz.*, the rule of the road. It appears that throughout the continent the rule of the road is to "turn to the right". In England alone, even now the rule is to "turn to the left." At the time of the French Revolution the whole of the continent adopted the new method of measuring distance. But the Englishman still persists in using the yard and the foot. Therefore, even in trivial matters a change is very difficult. Much more difficult are the changes affecting long-established customs which are not only not immoral but beneficial to the community. I would only remind my friends that the proposal to change the law of inheritance is a very serious matter and that they should put themselves in the position of those who have sisters and other maternal relatives, when they vote upon the question.

PRESIDENT: MR. T. K. Velu Pillai's amendment runs as follows:—

Substitute the following for Clause 12:—

"On the death of a Nayar male, leaving surviving a widow or children, or both, she or they shall, if he has undivided marumakkathayam heirs, be entitled to half a share of his self-acquired or separate property left undisposed of at his death, and if there are no such heirs, such widow or children or both shall be entitled to the whole of such property."

The amendment was then put to the vote of the House and lost, 12 voting *for* and 19 *against*.

[MR. T. K. Velu Pillai.]

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I demand a poll.

A poll was taken and the House divided as follows :—

AYES—13.

1. Mr. S. T. Ponnuswami Pillai.
2. Rao Bahadur K. V. Rangaswami Aiyangar.
3. Mr. R. K. Krishna Pillai.
4. ,, P. Paramesvaran.
5. ,, M. Udaya Varma Raja.
6. ,, Trivikramar Vasudevar.
7. Mr. T. K. Velu Pillai.
8. ,, M. N. Pillai.
9. ,, T. Kumara Pillai.
10. ,, G. Paramesvaran Pillai.
11. ,, N. Padmanabha Pillai.
12. ,, T. Lakshmana Pillai.
13. ,, M. K. Khadir Pillai.

NOES—21.

1. Mr. K. Paramesvaran Pillai. (*Ag. Director of Agriculture.*)
2. ,, K. George.
3. ,, R. Krishna Pillai.
4. ,, S. Paramesvara Aiyar.
5. ,, M. R. Madhava Variar.
6. ,, P. K. Narayana Pillai.
7. ,, J. John Nidiry.
8. ,, N. Kumaran.
9. ,, P. T. Thomas.
10. ,, Dominic Tomman.
11. ,, Joseph Panjikaran.
12. ,, C. Sankara Menon.
13. Mr. N. Ramakrishna Pillai.
14. ,, K. Paramesvaran Pillai. (*Tiruvalla.*)
15. ,, V. Kunjukrishna Pillai.
16. The Rev. Fr. Kuriakose Vettikkapalli.
17. Mr. C. P. Kochukunju Pillai.
18. ,, A. Hoogewerf.
19. ,, A. Govinda Menon.
20. ,, Paul V. Daniel.
21. ,, T.M. Chidambaratanu Pillai.

The amendment was declared lost.

The following amendments were not moved :—

MR. M. N. PILLAI (*Trivandrum*) :

Line 2. Add "or father" after "mother."

Line 2. Substitute "or any two or all" for "or both."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*) :

Line 2. Add after "widow," the words "or father," and after "mother" substitute "or all" for "or both."

MR. M. N. PILLAI (*Trivandrum*) :

Line 5. Insert the word "father" between the words "mother" and "and widow."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Lines 5 and 6. Add "father" after the words "absence of the."

MR. M. N. PILLAI (*Trivandrum*):

Line 6. Insert the word "father" between the words "mother" and "widow."

The question that Clause 12 form part of the Bill was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 13.

The following amendments were not moved :—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Sub-clause (i). Line 1. Add " the father " after " more than one. "

MR. C. SANKARA MENON (*Quilon*):

Sub-clause (1). Line 1. Delete "or widows if there are more than one."

MR. M. N. PILLAI (*Trivandrum*):

Sub-clause (i). Line 1. Insert the words "the father" between the words "one" and 'and the mother."

MR. M. N. PILLAI (*Trivandrum*):

Sub-clause (i). Line 2. Substitute "one-ninth of the estate" for "a share."

Line 2. Substitute "but such share shall never exceed the share" for "equal to that."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Sub-clause (i). Add the following proviso to the sub-clause :

"Provided that the mother shall have only a life estate in her share."

MR. C. SANKARA MENON (*Quilon*): Clause 13, sub-section (iii) runs as follows:

"Grand-children shall take in equal shares what their father would have taken had he survived the intestate . . "

That is what the Section now says. I propose that, in line 1 of sub-clause (iii) of Clause 13, the words "or mother" be added after the word "father" and that in line 2 the words "or she" be added after the word "he." Sub-section (ii) refers to sons and daughters. So, the grandchildren might be either through the sons or the daughters All the grandchildren must take in equal shares. Therefore, I propose that the words "or mother" be added after the word "father," in line 1 of sub-clause (iii) and the words "or she" after the words "he" in line 2.

MR. N. KUMARAN (*Nominated*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I shall make a few observations in respect of the amendments. Undoubtedly that is what is intended. I think that it is only by way of illustration that the Section has been provided. According to the general rules of interpretation 'male' includes 'female' also. Therefore, I think "father" would include "mother" also. Copious illustrations have been given to make it as clear as possible.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know the authority of Mr. Paramesvaran Pillai in saying that "father" includes "mother" also?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): That is not exactly what I meant. There are authorities to show that, generally, male includes female also. Therefore, it may also be understood that father includes mother also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If we substitute the word "parents" for the word "father," I think that would be sufficient for the purpose.

[Mr. P. K. Narayana Pillai.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I think there is no harm in accepting the amendment of Mr. Sankara Menon.

The amendment was then put to the vote and carried.

The following amendment was not moved :—

MR. N. KUMARAN (*Nominated*) :

Sub-clause (iii) Line 1. Insert the words "or mother" between "father" and "would."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My amendment is only a verbal amendment. I want to substitute the expression "grade" for "degree" in line 4 of sub-clause (iii). Personally, I would myself prefer the expression "grade". I leave it to the mover to accept the amendment or not. If he does not want the amendment I do not want it myself.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In all Succession Acts, in Hindu Law and in the Indian Succession Act, the expression "degree" is used. I took it from the Indian Succession Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I withdraw the amendment.

The amendment was, by leave, withdrawn.

The following amendments were not moved :—

MR. M. N. PILLAI (*Trivandrum*):

Sub-clause (iii). Add "the nearer excluding the more remote" at the end.

MR. C. SANKARA MENON (*Quilon*) :

Illustration (*a*). Line 1. Delete "and B two widows" and substitute "widow."
Illustration (*a*). Line 2. Delete "B" and substitute "one-fifth" for "one-sixth."

MR. M. N. PILLAI (*Trivandrum*) :

Illustration (*b*). Line 2. Insert the words "of a predeceased grand-child" between the words "great-grand child" and "by a deceased son D."

The question that Clause 13 as amended form part of the Bill was then put to the vote of the House and carried.

The Clause as amended was added to the Bill.

Clause 14.

The following amendments were not moved :—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 2. Add "the father" after "his widow" and omit "or widows."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 3. Omit the words after "mother," and lines 4 and 5; and substitute the following :

"One-half of the self-acquired and separate property left undisposed of by him at his death shall equally devolve on his mother and father and the other half on his widow."

MR. C. SANKARA MENON (*Quilon*):

Line 2. Delete the word "or widows."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Line 3. Delete the word "one-half" and substitute the words "the whole."

MR. M. N. PILLAI (*Trivandrum*):

Line 3. Insert the words "or father or both" between the words "mother" and "one half of."

Line 3. Delete the words "one-half of."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Line 4. Between the words "shall devolve", and "on his mother," insert the words "in equal shares."

Lines 4 and 5. Delete the words "the other half."

MR. M. N. PILLAI (*Trivandrum*):

Lines 4 and 5. Substitute the words "them equally" for the words "his mother and the other half on his widow or widows."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 6. Add "and father" after "the mother," and "equally" after the words "the whole."

MR. M. N. PILLAI (*Trivandrum*):

Line 6. Substitute the words "that share shall devolve on the thavazhee of the mother" for the words "the mother shall take the whole."

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*):

Lines 4 and 6. Substitute "mother's thavazhee" for "mother."

The question that Clause 14 form part of the Bill was then put to the vote and carried.

The Clause was added to the Bill.

Clause 15.

The following amendments were not moved:—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 2. Add "nor father" after "mother."

MR. M. N. PILLAI (*Trivadrum*):

Line 2. Substitute "parents" for "mother."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Lines 2, 3, 5, 6 and 7. Delete the words "mother's thavazhee" and substitute the word "father."

MR. M. N. PILLAI (*Trivandrum*):

Line 6. Insert the words "that one-half shall devolve on the grandmothers's thavazhee and in the absence of the grandmother's thavazhee" between the words "mother's thavazhee" and "the widow."

The question that Clause 15 form part of the Bill was then put to the vote and carried.

The Clause was added to the Bill.

Clause 16.

The following amendments were not moved:—

MR M. N. PILLAI (*Trivandrum*):

Lines 1 and 2. Delete the words "none of the heirs mentioned in Sections 12, 14 and 15, but."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 2. Omit the words "his father and."

Line 3. Delete the words "one-half of the" and substitute the word "his."

[Mr. K. Paramesvaran Pillai.]

MR. M. N. PILLAI (*Trivandrum*):

Lines 3, 5 and 6. Substitute the words "mother's thavazhee" for "grandmother's thavazhee."

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Lines 4 and 5. Deletete the words "on his father and the other half."

Lines 6 and 7. Delete.

MR. M. N. PILLAI (*Trivandrum*):

Line 6. Insert "that share shall devolve on the grandmother's thavazhee and in the absence of the grandmother's thavazhee" between the words "thavazhee" and "the father."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Delete the portion of the Clause after the words "in Sections 12, 14 and 15" and substitute the words "the mother's thavazhee shall take the whole and, in the absence of the mother's thavazhee, the grand-mother shall take the whole."

Line 6. Delete the words "grandmother's thavazhee, the father" and substitute the words "grandmother, her thavazhee."

Line 7. Delete the words "the father, the grandmother's thavazhee," and substitute the words "the thavazhee of his great-grand-mother or the thavazhee of his more remote female ascendants."

MR. M. N. PILLAI (*Trivandrum*):

Line 7. Insert the words "the mother's thavazhee and in their absence" between the words "the father" and "the grand-mother's."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Add at the end of the Clause the words "the nearer always excluding the more remote."

The question that Clause 16 form part of the Bill was then put to the vote and carried.

The Clause was added to the Bill.

Clause 17.

The following amendment was not moved:—

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Delete the Clause.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): My amendment is only a verbal alteration. The Section runs as follows:—

"On the death of a Nayar male leaving him surviving none of the heirs mentioned in sections 12, 14, 15 and 16, the self-acquired and separate property left undisposed of by him at his death shall devolve on the thavazhee of his great-grandmother or on the thavazhee of his more remote female ascendants, the nearer excluding the more remote."

The provision can apply only to the latter portion since the more remote are being excluded by the nearer. It is only in the absence of the grandmother's thavazhee that the inheritance can go to the great-grandmother's thavazhee. I therefore move that the words "and in its absence" be substituted for the word "or" in line 4.

MR. M. N. PILLAI (*Trivandrum*): I second it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I do not think it is necessary, Sir, because it is both illustrative as well as exclusive. The Section as it stands runs as follows:—

* * * on the thavazhee of his great-grand-mother or on the thavazhee of his more remote female ascendants, the nearer excluding the more remote."

This is quite clear in itself. I do not mean to say that the amendment is not acceptable. But I only say that it is unnecessary since it is quite clear.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If my friend says that, as it is, the sense is quite clear, I am prepared to accept it. I therefore withdraw the amendment.

The amendment was by leave withdrawn.

The question that Clause 17 form part of the Bill was then put to the vote and carried.

The Clause was added to the Bill.

Clause 18.

The question that Clause 18 form part of the Bill was then put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 19.

MR. N. KUMARAN (*Nominated*): I move that the following be substituted in place of Section 19.

"On the death of a Nayar female leaving no female descendants surviving her but only her husband and her mother's thavazhee, one-half of the self-acquired and separate property left undisposed of by her at her death shall devolve on her husband and the other half on her mother's thavazhee. In the absence of mother's thavazhee, the husband shall take the whole, and, in the absence of the husband, the mother's thavazhee shall take the whole."

We see that Section 18 deals with the question of inheritance in case there is only the issue of a Nayar female surviving her, and Section 19 deals with the case where a Nayar female dies leaving surviving her no issue but only her mother's thavazhee, and Section 20 deals with the case in which she leaves behind only her husband and her grandmother's thavazhee and not any of the heirs mentioned in Clauses 18 and 19. Section 21 deals with the case in which she leaves behind only remote heirs such as the thavazhee of her great-grandmother. My object in moving this amendment is to bring in the husband who has now been postponed to the grandmother's thavazhee. I think that is rather unjust. There is no reason why the husband should be postponed to the grandmother's thavazhee. It would only be just to bring him along with the mother's thavazhee and take after the issue of the female. I have, therefore, introduced a change in Clause 19 by which the Nayar husband takes along with the mother's thavazhee. Consequently, a change is necessary in Clauses 20 and 21. All these changes also I have proposed in my later amendments. What I therefore submit is that in order to avoid this injustice, the husband may be brought in and made an heir along with the mother's thavazhee.

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): I second it.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): The amendment is: "on the death of a Nayar female leaving no *female* descendants." 'Female' is the word used.

[Mr. G. Paramesvaran Pillai.]

MR. N. KUMARAN (*Nominated*): That is a mistake.

PRESIDENT: It is "lineal descendents." That is what is in the Bill as submitted by the Select Committee.

MR. N. KUMARAN (*Nominated*): It is "lineal descendents." It is a mistake for "lineal descendants."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Sir, I oppose the amendment. So long as a man or woman has not got lineal descendants, it is purely a matter of policy as to who else should have the property. We have made a particular scheme. Mr. Kumaran now says that the "husband" should be advanced from Section 20 to Section 19. Absolutely no reasons have been given as to why it should be done. We have made the husband also an heir in the absence of brothers and sisters. Of course, it is a lurking sense of the marumakkathayam system still in our minds that has induced us to provide that, in the absence of lineal descendants, the brothers and sisters should inherit the property of an intestate female. Unless there is something very radically wrong about it, I do not see why this amendment should be accepted. So I object to this amendment.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to support the amendment proposed by Mr. Kumaran. The separate property of a female may consist mainly of properties given as a gift by the husband to the wife. That in such cases, when the wife dies leaving no lineal descendants, the entire property should go to her mother's thavazhee, and that the husband should not have any share whatever in it, seems to me to be quite unfair, especially in view of the other provision, *viz.*, that in case the husband dies leaving only one widow and children, the whole property should go to the wife and children as well as the mother. That is the provision in regard to the intestate succession of a Nayar male. In that case, seeing the relationship between them and also the nature of the acqisition that the wife will obtain from the husband—and that is the natural source of her income—it will be hard to say that after the wife's death the entire porperty which stood in the name of the wife should pass on to the mother's thavazhee only.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. G. Paramesvaran Pillai how the system of inheritance stands under the Hindu Law with due deference to their form of marriage?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is absolutely irrelevant and misleading.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I only wish to know it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): My own view is that the question is absolutely irrelevant, and I do not propose to answer it in this connection. So far as we are concerned, it is quite a simple matter. The wife dies leaving separate property, the bulk of

which will be ordinarily contributed by the husband. The decisions of our courts are to the effect that the property standing in the name of a woman should be presumed to have been given by the husband.

MR. C. SANKARA MENON (*Quilon*): May I know whether he is not aware that the wife is also able to get a share from the tarwad?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I would remind Mr. Sankara Menon that, if the wife gets her share, it is also a separate property to which the wife is entitled.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is not there a possibility of the wife getting something from her parents?

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Yes, there is a possibility. I said "*the bluk* of the property". I never said anything else. You cannot legislate for every conceivable thing. Let us see in this particular case what is just and proper on the whole. What I said was not that the mother's thavazhee should not be given anything at all. The grandmother's thavazhee will get one-half, and the husband another half. Clause 20 says:

"In the absence of the grandmother's thavazhee the husband shall take the whole, and in the absence of the husband the grandmother's thavazhee shall take the whole".

I want that stage to be a little further advanced, *viz.*, the stage at which the mother's thavazhee, the brother and sister should get one-half and the husband should get the other half. There is absolutely no injustice about it, because the wife's near relations do not suffer; and it is only fair that the husband should get the other half. Of course, in the absence of the husband, the mother's thavazhee should take the whole. That is also provided for in Mr. Kumaran's amendment. Therefore it is only fair and just that it should be adopted.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I am also in favour of the amendment. We have made marriage practically permanent; we have made divorce practically impossible. And so far as inheritance is concerned, it is but fair, seeing that the principle of complete makkathayam has been accepted by the House, that the husband should have a greater claim to the property of his intestate wife. That will be one further advanced step towards complete makkathayam. For that reason I support Mr. Kumaran's amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I am sorry I have to oppose this motion. Sir, a little while ago, we were listening with rapt attention to a very long discourse upon the necessity of adhering to the system of inheritance now in prevalence.

Mr. T. K. Velu Pillai and 13 members of this House with him were in favour of that view, *viz.*, to maintain intact the present system. That evidently reflects the sense of the community to some extent. Such being the case, I would have practically excluded the husband out of consideration. But it was in a sense of fairness, in recognition of the status of the husband as one entitled to inherit, that we introduced him along with the grandmother. Absolutely no representation otherwise from the public at large was received on that subject and it is Mr. Kumaran who has sent up this particular amendment.

[Mr. C. P. Kochukunju Pillai.]

So far as the sense of the community goes, there is nothing to indicate that there is any necessity for a change of what has been provided by the Select Committee in this respect. In regard to the idea of fairness entertained by my friend Mr. G. Paramesvaran Pillai, there seems to be necessity for reciprocity in everything. Yet in various provisions of this Bill, there is an absence of reciprocity as has been conceded by him on a prior occasion. Here is a party who is not entitled to any inheritance under the existing law. We have introduced him at a particular stage, and if the sense of the community is not in favour of that view, at the next stage of amendment we can change it, and legislate according to the changed view. Further, the subsequent provisions that we have made in the Bill basing such provisions on the sequence of this particular provision now under discussion, would all get dislocated, and the effect of it would be—

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : There is no dislocation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): There would be difficulty and the subsequent provisions will have to be arranged accordingly. These are the grounds which appeal to me at the present stage. Even under the Hindu law the system of inheritance from a woman is regulated according to the form of marriage. It is only when the girl happens to be married in the *Bràhma* form that the husband inherits; otherwise the father inherits. That is the provision of the Hindu law which makes inheritance subject to the form of the marriage. There is no doubt a presumption that, in the case of married females, when nothing is known of their source, her properties may be treated as properties given to her by her husband. But what I submit is that, as a matter of fact, properties might come to a Nayar female from various sources—firstly, from her tarwad, secondly, from her parents, thirdly, from her children, and lastly—I do not want to disguise the fact—from her husband also. In these days when some of them happen to be graduates employed by the Government, they may themselves have made self-acquisitions also. There is no use of disguising that fact. When, therefore, there is no uniform basis to proceed upon, simply upon the conjecture and presumption raised by the High Court, to enact a uniform law that every acquisition of a woman must necessarily go to the husband, I beg to submit, is legislating without paying regard to the underlying facts.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I rise to support the amendment and, in doing so, I would only cite one instance. There is a man in my place who is a person having his fifth wife, because all the first four wives died. The first wife died leaving some issue who are now enjoying the property allotted to them by the husband. He married a second wife in whose name also some properties were acquired. She died issueless. Those properties are now in the hands of persons who are not even direct heirs to her. A third

time also he married another for whom he acquired some property. Besides some paddy lands, he put up a building in a compound purchased for her and that also in her name. She died issueless.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether it is a prevalent practice or a solitary instance? Is Mr. C. P. Kochukunju Pillai in a position to cite another instance of such magnitude?

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): I can quote more than one instance. The third wife lived with her husband and she died without leaving any issue. On the 16th day after her death, this man wanted to continue living there. But her two brothers stepped in and asked him to quit the house. He had no other alternative than to quit the house immediately. There was a slight dispute in regard to the movables also, for which he appealed to some of his friends, including myself. We interfered in the matter and some of the moveables were allowed to be taken away by him, while others were given back to those brothers, who subsequently alienated the properties given by this man, and went away to different places.

Then, a fourth time he married another woman. (*Laughter.*) He was a wealthy man and he had enough properties in his name. To the fourth wife he gave some properties and built a building. Then also he did not take any precaution, but had all these in her name. She also died issueless (*laughter*), so much so that he had to forfeit those properties as well.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that he deserves that? (*Laughter.*)

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): He is now having a fifth wife (*loud laughter*), for whom also he has purchased a compound. Now, I understand that in the fifth case he took care to make a provision in the document to the effect that, after her death, the property should come to him. His case is really hard. About 100 paras of paddy lands and a few compounds and buildings given by this man to his former wives are now being enjoyed by utter strangers, some of whom are not heirs to his wife even. So, I think it is only fair to make such a provision in a legislation of this kind, and hence I fully support the amendment.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, as a member of the Select Committee, I think I may say a word. I very much sympathise with the old man whose case was depicted by Mr. Kochukunju Pillai. I do not think such cases will occur often. So far as the amendment is concerned, I think it is objectionable. Strictly speaking, in all these matters we ought not to be very much guided by analogy or reciprocity or other circumstances. The provision is that if a Nair male dies leaving him surviving his wife and children, the wife gets his property, but if a Nayar female leaves behind her husband and children, he does not get her property, so that the reciprocity stops there. The only question then is where we should put in the word

[Mr. T. K. Velu Pillai.]

husband. In other words, it is not possible to expect the same amount of logical sequence in the matter of the female as in the case of the male. It is absolutely necessary, seeing that a woman is entitled to the husband's property, that the husband must be recognised to be the heir to her property which under the law he is not. Therefore, in the Select Committee, we found considerable difficulty to give him an exact place in the line of succession, and my friends Mr. T. K. Velu Pillai and G. Paramesvaran Pillai were very vehement. At any rate Mr. T. K. Velu Pillai was very vehement—he would perhaps object to the word "vehement".

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): No, not when it is true.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The other day he objected to it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May also say that I expressly stated "now that the House has accepted complete makkathayam"?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Even then it does not in any way weaken my arguments and the inference to be drawn from his words. The difficulty was where exactly to place the husband. Mr. T. K. Velu Pillai, as Mr. P. K. Narayana Pillai put it, was in a position to get thirteen votes for his motion; that shows that the Nayar community does not want that the sisters and the nephews should be disinherited under all circumstances. The object of the Bill is to make it imperative that the husband or the father should be bound to maintain his wife or children, as the case may be. And when there are no lineal descendants, the Select Committee thought it preferable to give the whole of the property to the thavazhee of the grandmother before anybody else. Before it goes to the grandmother's thavazhee, we thought it better to give one-half to the mother's thavazhee and the other half to the husband. I do not see why Mr. T. K. Velu Pillai should object to it when the Bill proposes to give something for the mothers and something for the brothers.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask if Mr. Subba Aiyar is aware that, when a principle is accepted by the House, it is normally binding even upon those persons who took the opposite view?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Certainly. Just as a decree is binding upon all those who contested the case. We should stick to precedents. The only question is, where the husband' should come in.

MR. T K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I ask Mr. Subba Aiyar whether he could give us any general idea with regard to the inclination of the wife in the matter of her inheritance, *i.e.*,

whether she would prefer her distant marumakkathayam relations to her husband?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That depends upon the temperament, attachment and all that. Some wives may prefer to have the husband to go along with the children. Some wives may prefer the husband to the children. That will depend upon the temperament of the husband and the wife and the extent of the time they were living together. I do not think his question is capable of a cut and dry answer. However, I do not think the putting in of the mother's thavazhee is objectionable. So, I object to the amendment.

MR. N. KUMARAN (*Nominated*): I have not much to say by way of reply. I have tabled this amendment at the instance of several of my Nair friends who unfortunately are not members of this Council, but whose opinions are nevertheless entitled to great weight.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that there are similar amendments to be moved by other members also in regard to this matter?

MR. N. KUMARAN (*Nominated*): In my amendment, no serious question is involved. It consists only of the raising of the husband from the level of the grandmother's thavazhee to that of the mother's thavazhee. I therefore submit that there is absolutely no sacrifice of principle.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know why he does not make the husband inherit from the wife direct; that is to say, even when the mother is alive, why should the husband not inherit the wife's property?

MR. N. KUMARAN (*Nominated*): I thought the community might not go so far. I would therefore press the amendment.

PRESIDENT: I will put this amendment to the vote of the House. The amendment is:

Substitute the following for Clause 19:—

'On the death of a Nayar female leaving no lineal descendants surviving her but only her husband and her mother's thavazhee, one-half of the self-acquired and separate property left undisposed of by her at her death, shall devolve on her husband, and the other half on her mother's thavazhee.

In the absence of mother's thavazhee, the husband shall take the whole, and, in the absence of the husband, the mother's thavazhee shall take the whole."

The amendment was put to the vote and lost, 16 voting *for* and 17 *against*.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I demand a poll.

A poll was taken with the following result:

AYES—16.

1. Mr. O. S. Ramaswami Aiyar.
2. ,, M. Raja Raja Varma.
3. Rao Bahadur K. V. Rangaswami Aiyangar.
4. Mr. T. K. Velu Pillai.
5. ,, John Nidiry.
6. ,, M. R. Madhava Variar.
7. ,, M. N. Pillai.
8. ,, G. Paramesvaran Pillai.
9. Mr. T. Lakshmana Pillai.
10. ,, L. R. Raja Raja Varma Koil Tampuran.
11. ,, C. P. Kochukunju Pillai.
12. ,, A. Govinda Menon.
13. ,, Paul V. Daniel.
14. ,, N. Kumaran.
15 ,, V. Kunjukrishna Pillai.
16 Rev. Fr. Vettikkapalli.

NOES—17.

1. Mr. S. C. H. Robinson.
2. ,, K. Paramesvaran Pillai (Ag. Director of Agriculture).
3. ,, R. K. Krishna Pillai.
4. ,, R. Krishna Pillai.
5. ,, S. Paramesvara Aiyar.
6. ,, V. Subba Aiyar.
7. ,, M. Udaya Varma Raja.
8. ,, Trivikramar Vasudevar.
9. ,, P. K. Narayana Pillai.
10. Mr. T. Kumara Pillai.
11. ,, Dominic Tomman.
12. ,, Joseph Panjikaran.
13. ,, C. Sankara Menon.
14. ,, N. Padmanabha Pillai.
15. ,, N. Ramakrishna Pillai.
16. ,, K. Paramesvaran Pillai. (Tiruvalla)
17. ,, T. M. Chidambaratanu Pillai.

The amendment was declared lost.

The Council rose at 5 P. M.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

TRAVANCORE LEGISLATIVE COUNCIL.

First Session, 1099.

Thursday the 12th June, 1924.

The Council met again in the Victoria Jubilee Town Hall at Eleven Thirty-nine of the Clock with the President in the Chair.

QUESTIONS AND ANSWERS.

[*Order made by the President under Standing Order No. 12*—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table 15 minutes before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in serial order, specify the serial number of his questions and make a sufficient pause to allow him a reasonable opportunity of rising in his place, if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Buildings Taken on Rent by the Government.

351. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Will the Government be pleased to place on the table a list of buildings in the town of Trivandrum for which rent is being paid by the Government, stating the name of the owner, the annual rent and the name and location of each building?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The list *asked for by the member is laid on the table.

Shertallai Canal.

352. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) the length of the Shertallai canal and the roads connected with it already opened, at the Alleppey and Shertallai ends, and the total cost of the same;

(*b*) the amount paid for acquiring the land through which the canal is to run;

(*c*) whether there is a broad sandy path, opened as a famine relief work, sometime ago, running from Alleppey to Shertallai;

(*d*) whether the whole or a portion of the canal cannot be taken along this sandy pathway;

**Vide* appendix I – page 1207.

[Mr. R. Krishna Pillai.]

(*e*) whether it is true that the route marked out for the canal is mostly through uninhabited areas;

(*f*) whether it will not be necessary to construct high bridges across the canal to allow steam and motor boats to pass under, and whether such high bridges will not prevent wheeled traffic from one side of the canal to the other;

(*g*) whether there is a low-lying ground in the western part of the taluk running through the inhabited portions of the taluk with a string of pools and ponds through which the canal could be constructed much more easily and with greater advantage to the people and much less expenditure;

(*h*) whether any damage was caused to the canal by floods and the cyclone, and, if so, what amount has been spent in repairing the damages;

(*i*) the cost per mile of road that is being constructed by the side of the canal;

(*j*) whether it is a fact that a road is being constructed or is proposed to be constructed on each side of the canal;

(*k*) what necessity there is to construct both a canal and one or two roads on its side or sides;

(*l*) whether it is a fact that the cocoanut cultivation has suffered by the opening of the canal;

(*m*) whether the canal will not increase the breeding area for the mosquito;

(*n*) the reasons which weighed with the Government for abandoning or delaying the construction of the canal a few years ago; and

(*o*) whether it is true that Mr. Bastow or any other Chief Engineer was against the opening of the canal?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) The length of the canal already opened is about 3½ miles, 2½ miles at the Alleppey end and a mile at the Shertallai end. The total length of road opened is a mile and it runs on the west bank of the canal at Alleppey end. The total cost of the project up to the end of Kanni 1099 is Rs. 5,07,000.

(*b*) Rs. 2,57,240.

(*c*) There is a sandy path, but it is not known whether it was opened as a famine relief work or not.

(*d*) It is not expedient to do so, the land along the pathway being comparatively high and the present alignment of the canal being the best in point of cost of cutting.

(*e*) It is not true that the route of the canal runs through uninhabited areas.

(*f*) The height of the bank varies from ten to twenty feet. The question of constructing bridges to admit of steam and motor boats passing under will not arise for many years to come and its consideration is premature.

(*g*) There is low-lying land at the western margin of the taluk. It will not serve the purpose of the canal so well as the present alignment which lies in the direct line of communication from Alleppey to Shertallai and is midway between the sea and the backwater.

(*h*) Some damages were caused in 1097. They were repaired at a cost of Rs. 1,800. There were slight damages in 1098 also. The repair of these damages would cost below Rs. 1,000.

(*i*) Rs. 24,000 for the first mile. Beyond it, the cost would be less.

(*j*) It is proposed to construct a road on one bank of the canal only.

(*k*) To get the full benefit of the canal, a cartable road at least on one bank is necessary.

(*l*) Government have no information.

(*m*) No. If anything, the canal will lessen the chances of mosquito-breeding, because the country will be better drained and the water in the canal will be subject to the tides and the flow of storm water.

(*n*) The member is referred to the answer to interpellation No. 54, page 644, of No. 5, Vol. I., of the Council Proceedings.

(*o*) The opinion of the majority of engineering officers is in favour of the work.

MR. A. HOOGEWERF (*Nominated*): According to the answer to part (*a*), the amount that has already been spent is Rs. 5,07,000. What will be the total estimated cost to complete the canal?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not possible to ascertain now what the total cost would be.

MR. A. HOOGEWERF (*Nominated*): Has any estimate been prepared?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not sure whether an estimate has been prepared for the whole length of the canal.

MR. A. HOOGEWERF (*Nominated*): With reference to the answer to part (*c*) of my question, was any enquiry made whether the sandy path that I referred to was constructed during the famine time?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I should like to know which is the famine time referred to.

[Mr. A. Hoogewerf.]

MR. A. HOOGEWERF (*Nominated*): My information is that the sandy path was made during famine time.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have no information on that point.

MR. A. HOOGEWERF (*Nominated*): With reference to part (*e*), is it not true that the route of the canal runs through uninhabited places? Does it not run mostly through uninhabited areas?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There are inhabited areas along the route chosen.

MR. A. HOOGEWERF (*Nominated*): Is it not true that the route of the canal runs through uninhabited areas? I simply want to know whether a large portion of the canal runs through inhabited or uninhabited areas.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It runs through uninhabited areas also.

MR. A. HOOGEWERF (*Nominated*): In part (*m*) of my question I have asked whether the canal would not increase the breeding area for the mosquito. May I know whether it is so?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is there.

MR. A. HOOGEWERF (*Nominated*): It is stated in answer to part (*m*) "If anything, the canal will lessen the chances of mosquito-breeding, because the country will be better drained and the water in the canal will be subject to the tides and the flow of storm water." Are the Government aware that soaking of husks is carried on in almost all the tanks in nearly all the compounds in Shertallai?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that the water of these tanks is rendered absolutely poisonous and is becoming the breeding place for mosquitos?

PRESIDENT: It has absolutely no connection with the question.

MR. A. HOOGEWERF (*Nominated*): There is connection between the two questions. It is stated there that the canal will serve as a drainage. It is with reference to that that I am asking the Government whether they are aware that large quantities of husks are being soaked in all the tanks in nearly all the compounds at Shertallai and that the water is becoming the breeding place for mosquitos and how this canal will drain away thousands and thousands of tanks in Shertallai.

PRESIDENT: It is merely surface flow.

MR. A. HOOGEWERF (*Nominated*): It is stated as answer to part (*o*) of my question that the opinion of the majority of engineering officers is in favour of the work. What are the opinions of Messrs. Bastow and Jacob?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Mr. Bastow's opinion was that a very careful study of the problem should be made before proceeding further. That was the opinion recorded in 1915.

MR. A. HOOGEWERF (*Nominated*): In reply to my question as to what necessity there is to construct both a canal and one or two roads on its side, it is stated that, to get the full benefit of the canal, a cartable road at least on one bank is necessary.

PRESIDENT: Which part of the answer are you referring to?

MR. A. HOOGEWERF (*Nominated*): Part (*k*). It is stated there, "To get the full benefit of the canal a cartable road at least on one bank is necessary." May I know whether instead of having a canal and a road on one of its banks, a road alone would not be sufficient?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): We have come to part (*o*) of the question. Is he justified in going back to part (*k*)?

PRESIDENT: The supplementary question relates to the same question. There is therefore no harm in going back.

MR. A. HOOGEWERF (*Nominated*): By having one cart road and without having approach roads, of what use will the canal and the road be?

PRESIDENT: The approach road will come later on.

MR. A. HOOGEWERF (*Nominated*): May I know whether large launches can ply through this canal?

PRESIDENT: How does it arise? Which part of the answer are you referring to?

MR. A. HOOGEWERF (*Nominated*): I am referring to all the answers.

PRESIDENT: You must refer to a definite part of the answer and then put the supplementary question.

MR. A. HOOGEWERF (*Nominated*): My question relates to part (*k*), as to the necessity of the canal. I wish to know whether large launches will be able to ply through this canal.

PRESIDENT: That does not arise out of the answer.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that large *kettuvallams* are not likely to ply through this canal?

PRESIDENT: How does it arise out of the answer? The answer says: "To get the full benefit of the canal, a cartable road at least on one bank is necessary."

MR. A. HOOGEWERF (*Nominated*): The whole of my question deals with the necessity of the canal—whether we want it or not.

PRESIDENT: That may be. That is a different matter. How does your question arise from the answer?

[Mr. A Hoogewerf.]

MR. A. HOOGEWERF: (*Nominated*): It arises, considering the whole question.

Are the Government aware that the cocoanut plantations on both sides of the canal are suffering owing to the opening of the canal?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in part (*l*).

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that for half a mile and more from the *vallukkadavu* to the Karamanai river the cocoanut plantations on both sides of the canal are suffering on account of the opening of that canal?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have no information.

Agricultural Loans.

353. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): (*a*) Will the Government be pleased to lay on the table a statement showing the particulars mentioned below, regarding the grant of loans under the Agricultural Loans Regulation:—

(i) the names of persons who applied for loans of Rs. 1,000 and more from 1096 to the end of 1098 as well as the amounts of such loans;

(ii) the names of the persons who, among the applicants, were granted loans and the amounts of the loans so granted; and

(iii) the purpose for which the loan was obtained in each case?

(*b*) Have those amounts been utilised for the purpose mentioned at the time when the loans were applied for?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) (i), (ii), (iii) and (*b*) The information required by the member is available for his perusal in the office of the Secretary to the Legislative Council.

Applications for Agricultural Loans.

354. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state the number of applications for agricultural loans in 1098 and up to the beginning of Dhanu, 1099, the names of the applicants, the amounts applied for and the result of such applications in each case, as also the reasons for the delay, if any, in the disposal of the applications in 1099?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to the answer to question No. 353.

Revenue of the State and Expenditure on Salaries and Pension.

355. MR. M. K. KHADIR PILLAI (*Nominated*): Will the Government be pleased to place on the table a statement showing the following particulars:

(a) the annual gross income of the State in the years 1060, 1070 1080, 1090, 1095, 1096, 1097 and 1098 M. E.;

(b) the total amount spent on salaries to the whole establishment of the State in the years 1060, 1070, 1080, 1090, 1095, 1096, 1097 and 1098 M. E.;

(c) the total amount spent as pension and bonus to the retired officers and servants of the State in the years 1060, 1070, 1080, 1090, 1095, 1096, 1097 and 1098 M. E.;

(d) the total number of officers drawing a monthly pay of rupees 100 and above, 200 and above, 300 and above, 400 and above, 500 and above and 800 and above in the years 1060, 1070, 1080, 1090, 1095, 1096, 1097 and 1098 M. E.; and

(e) the total number of retired officers drawing a monthly pension of Rs. 50 and above, 100 and above, 150 and above, 200 and above, 250 and above and 400 and above in the years 1060, 1070, 1080, 1090, 1095, 1096, 1097 and 1098 M. E.?

MR. K. GEORGE (*Financial Secretary to Government*): The Government do not propose to collect the statistics required by the member, as the time and labour involved in such collection are, in their opinion, out of all proportion to its utility.

Castewar Statement of V. S. L. C. Holders in Government Service.

356. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to place on the table a castewar statement of Vernacular School Leaving Certificate holders recruited to the Government service, permanent and temporary, during 1097 and 1098?

Mr. S. PARAMESVARA AIYAR (*Secretary to Government*): The statement* required by the member, so far as 1097 is concerned, is laid on the table. Information for 1098 M. E. has been called for.

Report on the present Condition of the Fisherfolk.

357. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to call for and place on the table a short report from the Director of Agriculture and Fisheries on the present condition of the fisherfolk and their industry, the possibilities of their improvement and the immediate steps to be taken in that direction?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): A report will be called for and it will be laid on the table when received.

Special Remuneration to Sirkar Vakils.

358. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to place on the table a statement showing:

(a) the names of Sirkar Vakils who were given special remuneration over and above their pay for conducting Sirkar cases and the amount given to each of them during the last ten years;

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*Vide appendix II—page 1208.

[Mr. C. P. Kocukunju Pillai.]

(*b*) the number of cases so conducted by each of them;

(*c*) the amount given in each case with the year of payment; and

(*d*) the reasons for such special remuneration?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*), (*b*) and (*c*) A statement* giving the required information is laid on the table.

(*d*) Special fees were paid, as the officers concerned were called upon to do work other or more onerous than their ordinary work.

Muvattupuzha-Kariyar Canal.

359. MR N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state:

(*a*) whether they are aware of the existence of a canal which starts from the Muvattupuzha frontier, and passing through the villages of Kattampakkal and Kadutturutti, joins the Kariyar;

(*b*) whether they are aware of the fact that this canal has been blocked up at Edattumkadavu in the Kadutturutti *pakuthi* and that thereby great damage is being done to cultivation in the locality; and

(*c*) whether they will instruct the Public Works Department to remove the obstruction and save the agricultural population of the adjoining villages?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

(*c*) The Chief Engineer is doing the needful in the matter.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know, Sir, whether any estimate will be prepared and whether the work will be executed next year at least?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The matter is under investigation. The question of providing for the work in the next year's budget will be considered during the budget time.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): I wish to know whether any estimate will be prepared and whether the work will be executed at least next year.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That can be decided only after the investigation is over.

Statement of Applications and Appointments in the Excise Department.

360. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to lay on the table a list of applicants for appointment as Petty Officers, Sub-Inspectors and

* *Vide* appendix III—pages 1209 to 1211.

Inspectors in the Excise Department during the years 1097, 1098 and 1099, as also a castewar list of the appointments made during the above period ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The lists* asked for are laid on the table.

Castewar Statement of Appointments in the Revenue Department.

361. MR. N. KUMARAN (*Nominated*): Will the Government be pleased to lay on the table a castewar statement showing the appointments made in the superior and inferior grades of services in the Revenue Department from the date of its separation from the Devaswom Department ?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The information required by the member is given below:—

Name of Community.		*No. of appointments.*		
		Superior.	*Inferior.*	*Total.*
Brahmins	...	15	1	16
Nayars	...	71	92	163
Other caste-Hindus	...	12	5	17
Ezhavas	...	3	...	3
Christians	...	13	7	20
Mahomedans	...	1	...	1
Total	...	115	105	220

Contracts for Supply of Timber.

362. MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Will the Government be pleased to state:

(1) whether there is a rule prohibiting the grant of the supply contract for timber to those who are either dealers in timber or those whose relations or dependents are dealers in timber; and

(2) whether supply contracts have been given to the above-mentioned class of people; and if the answer is in the affirmative, the names of such contractors ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(1) and (2) The member is referred to the answer to question No. 228.

Appointments in the Revenue Department since the Separation of Devaswoms.

363. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Will the Government be pleased to state how many permanent as well as acting appointments carrying a pay of Rs. 15 and above have been made in the Revenue Department after the separation of Devaswoms from the Revenue Department, and how many are held by Brahmins, Nayars, Roman Catholic Christians, other Christians, Ezhavas and Mahomedans ?

* *Vide* appendix IV—page 1212.

[Mr. S. Parameswara Iyer.]

(*b*) How many Roman Catholic Christians, Ezhavas and Mahomedans are holding offices in the Revenue Department at present?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The information required by the member is given below:—

Name of community.		*Permanent.*	*Acting.*	*Total.*
Brahmins	...	4	29	33
Nayars	...	12	123	135
Catholic Christians	...	1	4	5
Other Christians	...	2	11	13
Ezhavas	...	1	5	6
Mahomedans	...	...	6	6
Total......		20	178	198

(*b*) The information required by the member is given below:—

Name of community,		*No. of appointments.*
Catholic Christians	...	21
Ezhavas	...	17
Mahomedans	...	18
	Total......	56

Information re. certain Excise Officers.

364. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): With regard to the following subordinates of the Excise Department, *viz.*,

1. P. N. Nilakanta Pillai
2. E. Gomez
3. P. K. Narayana Pillai
4. N. K. Gopalan Nair.
5. C. N. D'Lemos
6. K. Kesavan
7. K. Madhavan
8. E. A. Padmanabhan
9. M. Velayudha Panikkar

will the Government be pleased to state:

(*a*) the office held and service put in by each of these persons at the time of the reorganisation of the Excise Department;

(*b*) the examination qualification of each of them;

(*c*) the special qualification of each of them on appointment as Sub-Inspector;

(*d*) whether there were other persons in the department who had put in longer service and had better qualifications, experience and ability than these; and

(*e*) the reason for not appointing such persons?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*), (*b*) and (*c*). A statement* giving the information required by the member is laid on the table.

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* *Vide* appendix V—page 1213.

(*d*) and (*e*) There were men of longer service in the department, but the Excise Commissioner reports that all those who were fit to be appointed as Sub-Inspectors were so appointed by him and that those who were denied promotion were men who were either physically unfit, wanting in educational qualification or unwilling to go out as Sub-Inspectors. Government have examined the papers relating to these appointments and have found no reasons for interfering with the action taken by the Excise Commissioner.

Circuit work of certain Officers.

365. MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to state:

(*a*) the number of days the Director of Agriculture, the Director of Industries, the Darbar Physician, and the Revenue, Police and Excise Commissioners have been on circuit, during the six months ending Vrischikam, 1099;

(*b*) the number of days in which halts were made and the number of institutions inspected by each officer in each station; and

(*c*) the travelling allowance drawn by each officer during this period?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government do not propose to call for the information, as the time and labour involved in its collection are, in their opinion, out of proportion to its utility.

MR. A. HOOGEWERF (*Nominated*): Is it not possible to get the information from the diaries of the officers in the Huzur Cutcherry and the Account Office? Cannot this information be easily obtained by examining those diaries?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is not easy.

Mr. W. J. Cleur, Customs House Inspector, Alleppey.

366. MR. A. HOOGEWERF (*Nominated*): (*a*) Are the Government aware of the fact that First Grade Inspector Mr. W. J. Cleur is a native of Alleppey, that he is a cousin of the present Excise Commissioner, and that he was put in charge of the Alleppey Customs House, soon after Mr. Van Ross was appointed Excise Commissioner, and that he continues there still?

(*b*) Will the Government be pleased to state the special reasons, if any, for retaining Mr. Cleur for such a long period in that institution?

(*c*) Are the Government aware of the many complaints against Mr. Cleur from the merchants and others of Alleppey and other places? If they are not aware, will they be pleased to make enquiries?

(*d*) Are the Government aware that the late Excise Commissioner Mr. N. Raman Pillai, recorded his opinion and reported to the Government that Mr. Cleur was unfit to be in charge of a Customs House, and that he was reduced by one step for some official irregularities committed by him while he was in charge of the Quilon Port Salt Depot?

[MR. S. Paramesvara Aiyar.]

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) Mr. W. J. Cleur is not a native of Alleppey. He is reported to be a cousin of Mr. Van Ross. He was put in charge of the Alleppey Customs House after Mr. Van Ross was appointed Excise Commissioner. He continued there till Kumbham, 1099, when he went on leave.

(*b*) There were no special reasons.

(*c*) and (*d*) The answers are in the negative.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that Mr. Cleur's family house is at Alleppey?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government have no information.

MR. A. HOOGEWERF (*Nominated*): How long has he been there?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Mr. Cleur was posted to the Alleppey Customs House on the 15th Edavam, 1095, and till Kumbhom, 1099, he was there, when he went on leave.

MR. A. HOOGEWERF (*Nominated*): Has he been transferred since he went on leave?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): He has not yet been transferred; but the question of his transfer is under the consideration of Government.

MR. A. HOOGEWERF (*Nominated*): Are the Government aware that every Inspector in the Excise Department during the last four years, after the present Excise Commissioner took charge of the department, has been once and twice and several times transferred?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government know that a large number of Inspectors have been transferred; but they do not know whether all of them except Mr. Cleur have been transferred.

MR. A. HOOGEWERF (*Nominated*): Will the Government be pleased to make an enquiry in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes, if the member so desires.

MR. A. HOOGEWERF (*Nominated*): Is it not a fact that there have been complaints against Mr. Cleur's short levy of duty?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): There has been correspondence in the matter.

MR. A. HOOGEWERF (*Nominated*): What action is being taken in the matter?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The matter is being pursued.

Goods imported for Government Purposes.

367. MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*): Will the Government be pleased to furnish a statement showing the quantity and value of the articles purchased for the State in 1096, 1097 and 1098 from outside Travancore and outside India?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to pages 160, 160 and 126 of the *Statistics of Travancore* for 1096,1097 and 1098 respectively.

Adirapalli Scheme.

368. MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Will the Government be pleased to state:

(*a*) what progress has been made towards the execution of the irrigation project known as the Adirapalli Project; and

(*b*) whether they will place on the table all papers in connection with that project?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) The matter is still under correspondence with the Cochin Government.

(*b*) The answer is in the negative.

Standing Committee for the Development of Ayurveda.

369. MR. L. R. RAJARAJA VARMA KOIL TAMPURAN (*Edavakai*): Will the Government be pleased to appoint a competent advisory committee to suggest suitable measures in regard to the development of the system of Ayurveda in Travancore, as also a small standing committee of two or three honorary members to inspect, in detail, the working of the Ayurveda Pharmacy and the Ayurveda College?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is in the negative.

Roads round the Vaikam Temple.

370. MR. JOSEPH PANJIKARAN (*Shertallai*): (*a*) Have the Government put up any boards on the public roads surrounding the outer walls of the Vaikam temple, prohibiting the public or any section of the public from using those roads?

(*b*) When were those boards put up?

(*c*) Were those boards put up under the orders of the Government?

(*d*) Is there any law which authorises the Government to put up such boards?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) Notice boards of the kind referred to have been put up on the approach roads to the Vaikam temple to enable the public to know where the *sanketam* limits begin.

[Mr. R. Krishna Pillai.]

(*b*) The exact date is not known; but they appear to have been put up long ago.

(*c*) Government are unable to trace any G. O., but it may be assumed that they were put up with the knowledge of the Government.

(*d*) There is no statutory law; but the Government have the inherent power to notify, by means of notice boards, *sanketam* limits according to usage and custom.

Roads not open to all Classes.

371. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to say:

(*a*) whether there are any roads in this State which are maintained by the Government and which are not accessible to all classes of His Highness the Maha Raja's subjects;

(*b*) if there are any such roads, whether a list of such roads will be laid on the table;

(*c*) whether they are aware that notice boards have been put up on the roads leading to the Vaikam temple prohibiting the use of these roads by all classes of people; and

(*d*) whether these roads are not maintained by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) A list of such roads has been called for and it will be laid on the table when received.

(*c*) Yes.

(*d*) Information will be called for.

Roads not open to all Classes.

372. MR. N. KUMARAN (*Nominated*): Will the Government be pleased to place on the table a list of roads in Travancore which are maintained by the State, but through which all classes of the subjects of His Highness the Maha Raja are not allowed to pass?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The member is referred to the answer to part (*b*) of question No. 371.

Vaikam Satyagraha Movement.

373. MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): (*a*) How much money has been spent by the Government in connection with the prevention of the *Satyagraha* movement at Vaikam?

(*b*) Who are the persons arrested and punished in connection with the *Satyagraha* movement at Vaikam, and what is the nature of the offence and punishment in each case?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Information will be called for.

(*b*) A statement* giving the information required by the member is laid on the table.

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* *Vide* appendix VI—page 1214.

Expenditure on account of Vaikam Satyagraha.

374. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Will the Government be pleased to place on the table a detailed statement showing the expenditure incurred up to date by them in connection with the *Satyagraha* movement at Vaikam?

(*b*) If not, will the Government be pleased to state the total amount of the expenditure incurred up to date in connection with the movement?

(*c*) Will the Government be pleased to state whether this expenditure is to be charged to the general revenues or to any particular fund, and if the latter, to which fund?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) and (*b*) Information will be called for.
(*c*) The question is under the consideration of the Government.

Vaikam Satyagraha.

375. MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): (*a*) Is the road round the Vaikam temple a public road?

(*b*) In view of the strong public opinion in and outside Travancore, will the Government be pleased to state whether they cannot find their way to solve this difficult problem by making some timely concession at least in favour of those classes whose distance of pollution, according to conservative and orthodox opinion, is but nominal and small?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) and (*b*) These questions are covered by a resolution which has been balloted for discussion at this meeting of the Council.

Attitude of Government regarding the Claim of Non-caste Hindus at Vaikam.

376. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): (*a*) Will the Government be pleased to state what exactly is the position of the Government in regard to the claim of the non-caste Hindus to use the roads round the Vaikam temple?

(*b*) Do the Government recognise untouchability and unapproachability?

(*c*) If the Government think that the claim is just, will they be pleased to state why they do not take steps to protect it instead of obstructing it?

(*d*) Will the Government be pleased to state the grounds on which they have taken the present attitude in regard to the matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):
(*a*) to (*d*) The member is referred to the answer to question No. 375.

MR. K. PARAMESAVRAN PILLAI (*Tiruvalla*): Will Mr. Krishna Pillai be pleased to state how the answer to my question is covered by the resolution tabled by Mr. M. N. Pillai?

[Mr. K. Paramesvaran Pillai.]

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The ruling of the President cannot be questioned.

PRESIDENT: I do not think there is any ruling in the matter.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Mr. M. N. Pillai's resolution is: "This Council recommends to the Government that the roads surrounding the temple wall at Vaikam be thrown open to all people irrespective of caste." The position of the Government will be explained during the discussion of that resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Have the Government taken any action in this matter till now?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): In regard to what matter?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In regard to the prohibition of non-caste Hindus from passing through the roads round the Vaikam temple, have the Government already taken any action?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I should like to know what sort of action he means.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Any action for the purpose of preventing non-caste Hindus from walking along the roads round the Vaikam temple wall.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The District Magistrate has issued an order prohibiting certain classes of people from walking along those roads. That is the action taken by the District Magistrate and not by the Government.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Have the Government issued any order in regard to that matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government have ratified the order of the District Magistrate.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know the grounds on which the Government have taken the present attitude?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): During question time it is not possible to discuss the grounds on which action has been taken by the Government.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The answer given is: "These questions are covered by a resolution which has been balloted for discussion at this meeting of the Council." I submit that my question is not connected with this resolution.

PRESIDENT: I think it is covered by the resolution.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): It may be covered. May I know the grounds for the present action taken by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): As already stated by me, question time is not the occasion for discussing the grounds.

PRESIDENT: You may ask for additional information during question time. That is what Mr. Krishna Pillai says.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is that the rule?

PRESIDENT: I suppose that is what generally applies to questions.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Standing Order No. 36 says—

"No discussion shall be permitted in respect of any question or of an answer given to any question."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I am not discussing. I ask for the grounds for the present attitude of Government and the Chief Secretary says he cannot give the grounds. Is it right?

PRESIDENT: Are there no rules about questions?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): The rules do not cover such a case.

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The rule says:—

"No question shall be asked unless it complies with the following conditions viz.—

(a) it shall relates to a single matter.

(b) It shall be so framed as to be merely a request for information."

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I am asking for a single matter, *viz.*, the grounds for the particular action taken by the Government.

PRESIDENT: You want the grounds as a piece of information as I take it.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Is the Chief Secretary prepared to give out the grounds for the action taken by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Does he not think that he has had sufficient notice already?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the Chief Secretary is at liberty to decline to answer the question when the question has been admitted, on the ground that a resolution that has been tabled covers the same ground?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes; that is the practice.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Under what particular rules?

PRESIDENT: That is the practice in all legislatures.

[Mr. K. Paramesvaran Pillai.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : If the member in charge will kindly draw my attention to any of our rules or orders I shall be very much enlightened by it. No doubt there are rules prohibiting the admission of certain questions, but once a question has been admitted, are the Government in a position to decline to answer that question?

PRESIDENT : The member may claim notice if he is not prepared to answer a supplementary question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : The main question has not been answered.

PRESIDENT : That is the Parliamentary practice and the practice in all other legislatures.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : I have asked a question : "Will the Government be pleased to state the grounds on which they have taken the present attitude in regard to the matter?" I think the question now raised is whether the Chief Secretary is competent to decline to answer that question on the ground that a resolution in some way connected with that matter has been tabled.

PRESIDENT : Not in "some way connected." I think Mr. Krishna Pillai is quite right, because the time of discussion of the resolution is the proper occasion when the grounds for any action taken by the Government should be discussed and argued about. Therefore, if a resolution has been tabled for discussion on that particular matter, I think it is quite in order for the member in charge to say that he does not propose to answer that question.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : May I also know, if the Government have already taken a particular attitude in regard to this matter and a resolution has been tabled for the purpose of recommending a different action, whether it is out of order for a member to ask a question as to the grounds for a particular action already taken by the Government?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The answer to that question raises a question of policy which has to be discussed at length when the resolution tabled for discussion is taken up. I do not think that question time is the proper occasion to elicit the information. The grounds cannot be laid down categorically as (1), (2) and (3). The policy which the Government have pursued will be better discussed at resolution time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Suppose the resolution that is tabled is not moved by the member who has sent in the resolution or the resolution itself does not come up for discussion. In such a case how is the question to be answered?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is open to the member to repeat the question.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : Under what rule does he say that, if a resolution has been tabled regarding the

action taken by the Government in a particular matter, a question requesting the Government to explain their position in regard to that matter should not be answered ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In matters that are not expressly provided for in the rules, the procedure obtaining in other legislatures is followed.

MR. G. PARAMESVARAN PILLAI (*Neyyttinkara*) : May I ask Mr. Subba Aiyar to quote any authority or precedent for his position ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I believe, even in this Council, with reference to Mr. Khadir Pillai's question *in re.* "Friday being declared a public holiday", the same answer was given.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*) : I want an authority from the practice elsewhere.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am not in a position to quote chapter and verse immediately. I will do so later on if he desires.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): "Do the Government recognise untouchability and unapproachability ?", that is one of my questions. Is it proper for the Chief Secretary to say that that is also covered by Mr. M. N. Pillai's resolution ? Is it covered by that resolution ? It is only with regard to the Vaikam temple that the resolution has been tabled.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): This is the wording of the resolution. "This Council recommends to the Government that the roads surrounding the temple walls at Vaikam be thrown open to all people irrespective of caste."

PRESIDENT : Mr. Paramesvaran Pillai wants to know whether part (*b*) of his question is covered by the resolution.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) : I believe it is.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : May I know how ?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : I rise to a point of order—whether the Chief Secretary is the person to say whether the question is covered by a resolution ? I think it is a point of order for the President to rule and not for the member in charge.

PRESIDENT : He is to answer the supplementary question.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*) : The Chief Secretary is, no doubt, to answer the supplementary question: but what has been raised by Mr. K. Paramesvaran Pillai is a point of order.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): No, no, it is not a point of order.

PRESIDENT : I have already given my ruling on that point of order.

[Mr. K. Paramesvaran Pillai.]

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): In view of the fact that the resolution is not likely to be discussed, will the Chief Secretary be pleased to state the grounds for the present attitude of the Government in this matter?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I do not know whether the resolution will not come up for discussion today.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Supposing it is not discussed, shall I expect an answer at the end of the session?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I cannot say that just now.

PRESIDENT: We do not answer questions except during the first hour.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): For the information of Mr. G. Paramesvaran Pillai, who wanted a precedent from elsewhere, I will read this from May's *Parliamentary Practice*:—

"Nor may the question refer to debates, or answers to questions in the current session. Discussion in anticipation upon an order of the day or other matter by means of a question is not permitted."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know from Mr. Subba Aiyar whether the whole procedure that obtains in the House of Commons in England—I mean the Parliamentary procedure—would be applicable here?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In matters not provided for in the rules, it may be applied.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it a question of "*may*" or "*shall*."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is a matter entirely left to the President to regulate. I only say that the matter is not without precedent, and as Mr. Paramesvaran Pillai asked me to quote a precedent, I quoted it.

PRESIDENT: Rules cannot cover all conceivable situations. We have to be guided by the practice obtaining elsewhere also.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The statement of a fact regarding an action taken by the Government does not amount to discussion. It is only stated in Mr. Subba Aiyar's quotation that no discussion would be permitted. The member asks only for a statement from the Government.

PRESIDENT: In this particular case the matter is covered by a resolution which is to be discussed.

Staff Selection Board.

377. MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Will the Government be pleased to state whether they will appoint a board of

selection for the public service and invest them with the power of examining the periodical returns of appointments sent by heads of departments?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The question of recruitment to the public service is engaging the attention of Government.

B. A., L. T's and M. A., L. T's in English High Schools.

378. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to lay on the table a statement showing the number of M. A., L. T.'s and B. A., L. T.'s who are (i) Headmasters of English High Schools, and (ii) First Grade teachers, and to state what their percentages are under each head?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to pages 105 to 113 of the Travancore *Civil List* corrected up to the 1st Kumbham, 1099. The percentages may be worked out by the member himself by a reference to these pages.

Appointment of Assistant Examiners.

379. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to mention what principles are followed in the Education Department in the matter of appointment of Assistant Examiners in the several subjects for the E. S. L. C. and the V. S. L. Examinations?

(*b*) Are the Government aware that most of the Assistant Examiners are teachers who reside in Trivandrum?

(*c*) Will the Government be pleased to see that certain definite rules are laid down in the appointment of Assistant Examiners so that all the teachers may be equally benefited?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The member is referred to the answer to interpellation No. 276 (*a*).

(*b*) No.

(*c*) The answer is in the negative.

Certain Public Works in the Tovala Taluk.

380. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to state whether they have received the estimates for opening a branch road from the Tovala road near Tazhakkudi to the Aramboly road and for putting up a foot-bridge near Auvayarammancoil over the Tovala channel?

(*b*) If so, will the Government be pleased to state whether they intend finishing the work at least next year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) The estimate for the road has been received by the Chief Engineer and is under scrutiny in his office. The estimate for the foot-bridge is pending with the Executive Engineer.

[Mr. R. Krishna Pillai.]

(*b*) When the budget for 1100 M. E. is framed the question of providing for these works will be considered.

Deputation of a Co-operative Inspector for the Benefit of Punja Cultivators.

381. MR. L. R. RAJARAJA VARMA KOILTAMPURAN (*Edavagai*): Will the Government be pleased to depute a special officer of the rank of a Co-operative Inspector to enquire into and advise *punja* cultivators in co-operative work?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): No special officer can be appointed. The local Co-operative Inspector will attend to this work also.

Seating Arrangements in Primary Schools.

382. MR. L. R. RAJARAJA VARMA KOILTAMPURAN (*Edavakai*): (*a*) Are the Government aware that departmental primary schools are not adequately supplied with furniture, especially benches and desks?

(*b*) What are the kinds of furniture generally supplied to these institutions?

(*c*) Are all these institutions equally supplied with such furniture?

(*d*) Are all these institutions properly provided with funds for annual maintenance and repairs?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The answer is in the affirmative.

(*b*) Primary schools are generally supplied with benches, chairs, tables, stools, blackboards and in some cases with almyrahs.

(*c*) Primary schools are supplied with furniture according to their relative importance and with regard to the funds available.

(*d*) Allotments for annual maintenance and repairs are sanctioned to the extent of the funds available.

Substitution of 'Advanced community' and 'Backward community' for 'High caste' and 'Low caste.'

383. MR. PAUL V. DANIEL (*Aagastisvaram*): Will the Government be pleased to state whether they have any objection to avoid the terms 'high caste' and 'low caste' in official correspondence and substitute instead such expressions as 'advanced community' and 'backward community' according as the nature of the subject dealt with may demand the use thereof?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government are not aware that the expressions 'high caste' and 'low caste' are used in official correspondence.

Christian Division Assistants.

384. MR. PAUL V. DANIEL (*Agastisvaram*): Will the Government be pleased to state:

(*a*) the number of Christians appointed as Division Assistants after the separation of Devaswoms from the Revenue Department;

(*b*) the number of Christians holding the posts of Division Assistants at present; and

(*c*) whether two vacancies of Division Assistants occurred during the last two months?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Two.

(*b*) Two.

(*c*) Yes. There were two temporary leave vacancies.

Headquarters of the Assistant Inspectress of Schools, District VI.

385. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Have the Government decided to shift the headquarters of the Assistant Inspectress of Girls' Schools, District VI, from Muvattupuzha to Alwaye?

(*b*) How many years have now elapsed since the office of the Assistant Inspectress was established at Muvattupuzha?

(*c*) Has the said Assistant Inspectress addressed the Government for permission to shift her office to Alwaye?

(*d*) If so, what are the reasons put forward by her for such a step?

(*e*) Was the Chief Inspectress or the Director of Public Instruction convinced, by means of local enquiry, of the reasons advanced by the Assistant Inspectress before the Government decided to shift her office?

(*f*) Is not Muvattupuzha a more central place than Alwaye for the district?

(*g*) Have the Government called for a report to be submitted two years hence on the advantages and disadvantages of the shifting of the office of the Assistant Inspectress to Alwaye?

(*h*) If so, is it not better to immediately consider the disadvantages resulting from the transfer than to shift it and then consider the advantages and disadvantages two years hence?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Yes; tentatively for a period of two years from April 1924.

(*b*) Ten years.

(*c*) The Assistant Inspectress addressed the Inspectress of Girls' Schools.

(*d*) The reason put forward is that Alwaye is a healthier and more convenient place than Muvattupuzha.

(*e*) Yes.

[Mr. C. P. Kochukunju Pillai.]

(*f*) and (*g*) The answer is in the affirmative.

(*h*) The advantages and disadvantages were considered before the removal was ordered as a tentative measure.

Muvattupuzha English High School.

386. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Do the Government know that the taluks of Todupuzha, Muvattupuzha and Kunnatnad, which lie far away from the capital and from the sea-coast, are very backward in point of English education?

(*b*) Will the Government be pleased to award, as building grant, at least half the cost of the English High School building that is being constructed by the people at Muvattupuzha which lies in the middle of these three taluks?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) The answer is in the affirmative.

(*b*) The answer is in the negative.

Duty on Lemon Grass Oil.

387. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) At what tariff value is duty on lemon grass oil realised at the Customs Houses?

(*b*) Do the Government know what the highest market value for lemon grass oil was within the last two years?

(*c*) Are the Government aware that the present tariff value of that oil is much higher than its market value?

(*d*) Will the Government be pleased to make the necessary arrangements for the duty being realised in future with reference to the actual market value of the oil?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) The member is referred to page 352 of the *Almanac and Directory* for 1924.

(*b*) and (*c*) Government have no information.

(*d*) Market value fluctuates. Hence in British India customs duties are levied on tariff value. That is a conventional value fixed with a view to meet the fluctuations in prices at the markets of consumption. The tariff rates fixed in British India are generally followed in the State.

Examiners in the English Second Paper, English School Leaving Certificate Examination, 1924.

388. MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Will the Government be pleased to state:

(*a*) the name of the Chief Examiner in the English Second Paper for the E. S. L. C. Examination, 1924.

(b) the names of the Assistant Examiners appointed for the valuation of papers under him;

(c) the total number of papers for valuation;

(d) the number of papers distributed for valuation to each of the Assistant Examiners;

(e) whether all the valued papers have been returned to the Chief Examiner by the Assistant Examiners;

(f) whether any of the Assistant Examiners are related to the Chief Examiner; and

(g) if so, who they are?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) Mr. P. G. Sahasranama Aiyar, M. A., Professor of English, His Highness the Maha Raja's College, Trivandrum.

(b) and (d)—

	Name.	*No. of papers.*
Messrs.	T. N. Velu Pillai	228
	C. P. Thomas	236
	G. Mahadeva Aiyar	240
	P. G. Krishna Aiyar	238
	R. Venkatesvara Aiyar	237
	K. M. Thomas	236
	C. A. Rangasai	240
	V. K. Philip	240
Srimati	B. Anandavalli Amma	237
Miss	Laura M. Noe'	237

(c) 2,801.

(e) The answer is in the affirmative.

(f) and (g) Mr. P. G. Krishna Aiyar is related to the Chief Examiner.

Tickets of Admission for Members of the Legislative Council.

389. MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): (a) What amount is spent by the Government in printing tickets for the admission of members to the meetings of the Legislative Council each year?

(b) What purpose is served by issuing such tickets to members?

(c) Is there any harm in dispensing with such tickets for the admission of members to the Council Hall?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) Re. 1-18 ch. 2 cash for one meeting of the Legislative Council. This amount includes the cost of paper also.

(b) and (c) Only those who have tickets are entitled to admission to the Council Hall and hence tickets are necessary for members of the Council also. If, however, the members will not be inconvenienced thereby, Government have no objection to arrange for the issue of a single ticket for the entire term of office of each member.

[Mr. N. Kumaran.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know, Sir, whether tickets are issued to the official members of this House?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Yes.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is that the practice in Madras?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I believe it is the practice. I shall ascertain it definitely, if the member so desires.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Can the member say anything upon the subject with reference to May's *Parliamentary Practice*?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): It is a matter of reference to that book. It will take time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is the admission of members to the House of Commons regulated by tickets?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): I cannot say that just now.

College Hostel.

390. MR. N. KUMARAN (*Nominated*): (*a*) How long has the new College Hostel been in course of construction?

(*b*) How many years more will it take before it is ready for occupation?

(*c*) What is the number of students the new Hostel is intended to accommodate?

(*d*) What would be the total cost when the building is ready for occupation?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) Over four years.

(*b*) It is expected that one wing will be ready for occupation before the commencement of the academic year 1925-26. The date of completion will depend upon the funds that can be made available for the purpose.

(*c*) 150.

(*d*) It is not possible now to estimate the total cost.

Admission of Ezhava Students in the Hostel.

391. MR. N. KUMARAN (*Nominated*): (*a*) Is it not the concern of the Government that Ezhava students of the Arts, Science and Law Colleges, should also have hostel accommodation provided for them?

(b) Will the Government be pleased to issue early orders so that these students may have accommodation at least from the commencement of the academic year 1924-25 either in the present rented buildngs or other buildings to be specially rented for the purpose?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (a) and (b) At the beginning of the academic year 1923-24, Government were prepared to open a hostel for non-caste Hindus, for Christians not living in the L. M. S. hostel and for Mahomedans not living in the Mahomedan hostel. Only 14 students, however, applied for residence in that hostel, of whom only two were Ezhavas. The hostel could not therefore be opened.

Construction of a new Building for the Trivandrum District Court.

392. MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to state what portion of the sanctioned allotment for the construction of a new building for the Trivandrum District Court has been spent towards the same, and what progress has been made in the construction of the new building?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The construction of the building has not been started, nor has any portion of the allotment been spent on the work.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know why the construction of the building has not been started?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Because the funds cannot be made available, in view of more urgent demands in other directions.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether they have been so diverted?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): They have not been.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Then, what is the meaning in saying that this work has not been started in view of more urgent works?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The funds provided may be required for more urgent works.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know the nature of those works?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is not possible for me to specify them now. For example, we have a lot of urgent works to be done in connection with the separation of the Arts College from the Science College.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know when this allotment was made?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*), At the time of the budget.

[Mr. Tariatu Kunjitomman.]

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know when the bifurcation was contemplated?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Long after.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know why in the meantime the construction of the building was not proceeded with?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I claim notice.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased, at least hereafter, to direct the construction of the building being taken up during this year?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): If funds are available.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Will the Government be pleased to state whether they can make funds available for that purpose, because already the Council has sanctioned the money?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I am not in a position to say just now whether it will be possible for the Government to provide funds for the work.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether, when once the funds have been sanctioned by the Council for a certain purpose, they should not be utilised for that purpose?

PRESIDENT: That is a point in regard to which Mr. George has already said that it is only if funds have to be transferred from one head to another head that the Government have to get the sanction of the Council, and not otherwise.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether the funds cannot be made available now for the purpose for which the Council has given sanction after discussion?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It would not be possible to undertake the work this year.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know the reasons?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have already given them.

Departmental Schools.

393. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): (*a*) Are the Government aware that the teachers in several departmental schools do not attend school at the hour fixed for such attendance?

(*b*) Are the Government aware that a major portion of the schools maintained for imparting general education in the State were built by the people at their own cost?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Government have no information.

(*b*) Government are aware that several Vernacular Schools, generally of the primary standard, have been built by the people and handed over to the Government.

Economic Development Board.

394. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to lay on the table a statement detailing the various directions in which the country has developed through the agency of the Economic Development Board?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member is referred to appendices D and A of the Annual Reports of the Economic Development Board for 1097 and 1098 respectively, which give particulars of the activities of the Board.

Powers to Transfer Teachers.

395. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): Will the Government be pleased to state whether there are provisions empowering the Director of Public Instruction and the Inspector of English Schools in the matter of transfer of teachers?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The powers of the Director of Public Instruction in the matter of transfer of teachers are regulated by the rules passed under date the 28th February, 1909, published at pages 61 to 65 of the *Government Gazette*, dated the 16th March, 1909, and those of the Inspector of English Schools, by Rule 22 of the Inspection Code.

Stimulus to Tamil Study in South Travancore.

396. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): (*a*) Are the Government aware of the stimulus given to the study of Tamil by the changes introduced by the Assistant Inspector of Vernacular Schools, District I?

(*b*) What action has been taken on the memorial requesting the Government to put Mr. K. S. Sankararama Aiyar M. A., L. T., in charge of all the Tamil districts with powers of appointment and transfer over his subordinates?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Government have no information.

(*b*) The memorial has been lodged.

Expansion of English Education among Nanjanad Vellalas.

397. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): (*a*) Will the Government be pleased to state whether the following statements found in the report prepared and submitted to

[Mr. T. M. Chidambaratanu Pillai.]

the Government in 1922 by the Nanjanad Marumakkathaya Vellala Committee, *viz.*, "there are on the whole only twelve graduates in the community. Most of them have not taken to English education," have come to their notice?

(*b*) Can the Government not gather from the above quotation that in this community there are only very few persons who have received higher education?

(*c*) Will the Government be pleased to state whether they are affording any encouragement to this community as in the case of other communities who have no taste for education?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The answer is in the affirmative.

(*b*) The conclusion referred to does not necessarily follow from the premises quoted.

(*c*) The answer is in the negative.

Appointments in the Office of the Director of Public Instruction.

398. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Will the Government be pleased to state the number of vacancies, permanent or temporary, that have arisen during the past three years in the office of the Director of Public Instruction?

(*b*) How many persons were promoted to the office of the Director of Public Instruction from subordinate offices during these three years?

(*c*) Will the Government be pleased to state whether the complaint that, in the re-organisation of the Education Department in Tulam, 1098, many clerks with short service were promoted to the higher grade, disregarding the claims of many with long service, has any foundation?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

	Year.	*Number.*	
		Permanent.	*Temporary.*
(*a*)	1096	4	37
	1097	...	33
	1098	6	49
(*b*)	1096	...	2
	1097	...	...
	1098	4	1

(*c*) It is reported that the claims of all the clerks were fully considered.

Publication of old Tamil Manuscripts.

399. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to appoint a scholar for

the collection and publication of unpublished Tamil manuscripts, as in the case of the collection and publication of old palm-leaf manuscripts in Malayalam and Sanskrit for which they have appointed scholars?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The member's attention is invited to paragraph 2 of G. O. R. O. C. No. 422 of 23/Leg. E. dated the 9th January, 1924.

Publication of the Travancore Economic Journal in Tamil.

400. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): (*a*) Will the Government be pleased to state whether all the members on the committee organised for the publication of the *Economic Journal* in Tamil have a knowledge of Tamil?

(*b*) Will the Government be pleased to appoint as members on that committee persons who have scholarship in Tamil?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) No committee has been organised for the publication of the *Economic Journal* in Tamil.

(*b*) In view of the answer to part (*a*), this question does not arise.

Award of a Scholarship to a Nanjanad Vellala in the B. A. (Hons.) Class.

401. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam* cum *Tovala*): Will the Government be pleased to award a scholarship to the only Vellala student studying in the B. A. (Hons.) class in view of the fact that no one from that community has till now studied for and passed that examination?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): Government are issuing separate orders revising the scheme now in force relating to the award of scholarships and that scheme should apply to Nanjanad Vellalas as well as other communities.

Age of Officers.

402. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*):

(*a*) Have the Government enquired who the officer is, with reference to whom Mr. R. Narayana Pillai, Member, Vilavankod taluk, said, at the last session of the Sri Mulam Popular Assembly, that, if the age entered in the service book of an officer who was in the public service here was to be believed, it would be seen that his son entered the service in his 14th year of age?

(*b*) If not, do the Government propose to make an enquiry in the matter?

(*c*) Have the Government enquired who the officer is, with reference to whom Mr. R. Narayana Pillai, Member, Vilavankod taluk, said, at the last session of the Sri Mulam Popular Assembly that, even after his younger brother had left the service on completing his 55th year of age, the elder brother in service had not completed his 55th year of age according to his service book?

[Mr. S. Paramesvara Aiyar.]

(*d*) If not, do the Government propose to make an enquiry into the matter?

MR. K. GEORGE (*Financial Secretary to Government*): (*a*) to (*d*) Information which is necessary to enable the Government to make enquiries has not been furnished by Mr. Narayana Pillai.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): മിസ്റ്റർ നാരായണപിള്ളയോട്ട് ഈ വിവരം ഗവർണ്മെൻറ് എഴുതി ചോദിച്ചിട്ടുണ്ടോ?

MR. K. GEORGE (*Financial Secretary to Government*): ചോദിച്ചിട്ടില്ല.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): പബ്ലിക്ക് സർവീസിൻെറ നിഷ്കളങ്കതയെ പരിപാലിക്കുന്നതിന് ഇങ്ങനെ ഗവർണ്മെൻറിനെപ്പററി പാപ്പുലർ അസംബ്ലിയിൽ വെച്ച് ഒരു മെംബർ പറഞ്ഞത് ശരിയാണോ എന്ന് അന്വേഷിച്ച് അറിയേണ്ടതല്ലേ?

MR. K. GEORGE (*Financial Secretary to Government*): അസംബ്ലിയിൽ ആ ഉദ്യോഗസ്ഥന്മാരാണെന്ന മെംബർ പറഞ്ഞില്ല.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ഗവർണ്മെൻറിൻെറ നയത്തെ പരിപാലിക്കുന്നതിന് ഇങ്ങനെയുള്ള ചോദ്യം ആ മെംബറോടു തന്നെ ചോദിച്ചറിയേണ്ടതല്ലേ?

MR. K. GEORGE (*Financial Secretary to Government*): അല്ല.

Mr. M. Rajaraja Varma's Report on the Conduct of Officers in connection with the Students' Strike.

403. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) whether Mr. M. Rajaraja Varma was not entrusted with all the papers on the students' strike for submitting a report on the question of the culpability of the Government servants concerned;

(*b*) whether Mr. Rajaraja Varma submitted a report in the matter;

(*c*) if so, why that report was not printed; and

(*d*) whether that report will be laid on the table?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) Mr. M. Rajaraja Varma, then Efficiency Audit Officer, was asked to examine the file and prepare a minute for the information of the Government.

(*b*), (*c*) and (*d*) The minute is confidential and cannot be laid on the table.

Publication of Papers relating to Punishment of Officers concerned in the Students' Strike.

404. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to place on the table a copy of their proceedings awarding punishments and censures to the Government servants concerned in the students' strike?

(*b*) Why were the proceedings not published?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):
(*a*) The answer is in the negative.

(*b*) The orders are confidential.

MR. M. N. PILLAI (*Trivandrum*): May I know why the Government keep the orders punishing guilty officers in connection with the students' strike confidential?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): That is the opinion of the Government.

MR. M. N. PILLAI (*Trivandrum*): Is that the practice in all the departments of the Government to keep the names of the officers who are guilty as a secret?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): In this particular instance Government think that they should be kept confidential.

MR. M. N. PILLAI (*Trivandrum*): What is that due to?

PRESIDENT: Punishment orders are ordinarily confidential.

Report on the Students' Strike incident of the 21st September, 1921.

405. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state whether they did not get any report on the occurrence of the 21st September, 1921, written on that day itself?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*) No reports written on the same day have been received.

Allegations against Mr. A. S. Krishna Aiyar, Tahsildar.

406. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) whether the charge against Mr. A. S. Krishna Aiyar, while he was the Tahsildar of Quilon, was that he demanded bribes from the contractor engaged for opening the Paravur bar;

(*b*) whether the person who made these allegations in writing and two other witnesses gave statements in support thereof in the presence of Mr. A. S. Krishna Aiyar before the Division Peishkar and whether Mr. Krishna Aiyar cross-examined or claimed the right to cross-examine these persons;

[Mr. R. Krishna Pillai.]

(c) whether the Division Peishkar was able to secure any corroboration of these statements from these records and whether he reported that Mr. Krishna Aiyar should be punished; and

(d) if so, why the Government did not punish him?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Government are not prepared to discuss in public charges relating to the conduct of public servants and the orders passed on such charges.

MR. M. N. PILLAI (*Trivandrum*): At the last session Government replied, in answer to my question whether there were any charges against Mr. Krishna Aiyar, that there were no charges against him. Now the answer is that the Government are not prepared, with regard to orders passed on public servants, to give them out in public. May I know why?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): What I mentioned on the last occasion was that there were no definite charges framed against Mr. Krishna Aiyar under the rules relating to enquiries into the conduct of public servants.

MR. M. N. PILLAI (*Trivandrum*): No. Government said that there were no charges against the officer. Then, I asked what was the necessity to note in the service book of that officer.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): As I said, what I meant was that there were no definite charges framed against him under those rules.

MR. M. N. PILLAI (*Trivandrum*): But now Government say that they are not prepared to discuss the charges in public.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That means allegations and not regular charges.

MR. M. N. PILLAI (*Trivandrum*): May I know whether there was any charge against that officer?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There was no definite charge.

MR. M. N. PILLAI (*Trivandrum*): Was there any indefinite charge?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There were certain allegations against the Tahsildar. I cannot call them regular charges.

MR. M. N. PLLAI (*Trivandrum*): But then the answer was that an entry was made in the officer's service book. I want to know what it was that necessitated the Government to make such an entry without any definite charge.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Because the head of the department reported that there were certain suspicions against the Tahsildar,

MR. M. N. PILLAI (*Trivandrum*): May I know what was the report?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I regret I cannot disclose its contents.

MR. M. N. PILLAI (*Trivandrum*): What was the substance of that report?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Not the substance either.

Allegations against Mr. V. Padmanabha Aiyar, Tahsildar.

407. MR. M. N. PILLAI (*Trivandrum*): (*a*) Will the Government be pleased to state whether it is a fact that Mr. V. Padmanabha Aiyar, while he was Tahsildar at Eraniel, registered some lands specially reserved for the communal purposes of the Krishnanvaka community in the name of a private individual?

(*b*) If so, will the Government be pleased to furnish the dates of the orders (i) reserving those lands for communal purposes; and (ii) registering the same in the name of a private individual?

(*c*) Is it a fact that Mr. V. Padmanabha Aiyar, while he was Tahsildar at Kunnatnad, registered in the names of private persons some lands already handed over to, and in the possession of, the Education Department?

(*d*) Was any enquiry started with regard to the above acts of the Tahsildar, and if so, when?

(*e*) What is the nature of the enquiry, and at what stage does it stand at present?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The conduct and the work of this Tahsildar are under investigation and hence Government cannot answer this question at the present stage.

MR. M. N. PILLAI (*Trivandrum*): May I know whether there are any charges against Mr. Padmanabha Aiyar?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer given is definite.

MR. M. N. PILLAI (*Trivandrum*): But I wish to know whether any charges were framed against this officer.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The whole thing is under investigation.

MR. M. N. PILLAI (*Trivandrum*): May I know whether the head of the department reported against this officer?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*) Reports have come in.

MR. M. N. PILLAI (*Trivandrum*): Against Mr. Padmanabha Aiyar?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Yes.

[Mr. R. Krishna Pillai.]

Equipment for Dr. K. P. Raman Pillai.

408. MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Will the Government be pleased to state whether all the surgical instruments and other equipment recommended by Dr. K. P. Raman Pillai for his special work in the General Hospital have been obtained by the Government and whether all convenience for his special work has been afforded to him?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): A few months before Dr. K. P. Raman Pillai's return to Travancore, he sent from Edinburgh a list of instruments required for his special department. The list contained 135 items. In the letter forwarding the list, he explicitly stated that it contained all the instruments required for his purpose. The Darbar Physician asked Dr. Raman Pillai to visit the firm of Messrs. Down Bros., in London, and personally select the articles. Dr. Raman Pillai cabled that the cost would be £. 322 and this was sanctioned by the Government on the recommendation of the Darbar Physician. The actual cost of supply, however, came to £. 441-15-7. In the meantime Dr. Raman Pillai sent a second list of 126 articles to the Darbar Physician and asked for their supply. But the latter took no action on it, partly because several articles contained in that list had been included in the first list and partly because Dr. Raman Pillai had explicitly stated that the first list comprised all the articles required by him. Later on, he sent a third list of fifty articles. The Darbar Physician says that ten of these articles had been included in the first list, thirteen are either available in the General Medical Stores or can be locally purchased, and that the others are either similar to articles supplied according to the first list or are not indispensable. Dr. Raman Pillai has condemned nine of the articles supplied to him, but according to the Darbar Physician they are all articles contained in the first list. The Darbar Physician says that the number and variety of the articles supplied to Dr. Raman Pillai are more than sufficient for his special work and that all reasonable conveniences have been afforded to him for carrying it on.

Loss due to Erosion of the Sea in Kartikapalli Taluk.

409. MR. C. RAMANKUNJU (*Nominated*): Will the Government be pleased to state the area of land on the sea coast of Pudupalli *proverthi* in the Karunagapalli taluk and Mutukulam *proverthi* in the Kartikapalli taluk eroded by the sea and the Kayankulam bar and the amount of loss sustained by the people during the last fifteen years, as also what help was rendered to them by the Government?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): It is reported that some lands were encroached upon by the sea in the Putupalli *pakuthi*, Karunagapalli taluk, within the last 15 years, but that, as there was no application for remission of tax, the exact area encroached upon has not been ascertained nor were any further steps taken.

As for Mutukulam *proverthi*, Kartikapalli taluk, an extent of about 137 acres was encroached upon by the sea in the Arattupuzha *pakuthi* of the same *proverthi* within the last 15 years. The tax on these lands has been struck off the accounts. Government have no information in regard to the loss sustained by the people on account of encroachments by the sea and the bar. Government cannot afford relief in such cases.

Prawn Industry in Travancore.

410. MR. C. RAMANKUNJU (*Nominated*): (*a*) Are the Government aware that the prawn industry in the State is handicapped by continuous and heavy fluctuations of prices in the Rangoon market?

(*b*) Will the Gevernment be pleased to enquire into the effect of fluctuations in prices in the Rangoon market upon the fisherfolk and their industry in the State and take immediate steps to improve the position?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): (*a*) The Government are informed that the prices of prawns in the Rangoon market are subject to continuous and heavy fluctuations.

(*b*) Such fluctuations cannot be regulated by any action of the Government. The Registrar of Co-operative Societies and the Director of Industries will be instructed to help the fisherfolk concerned with suggestions and advice.

Mr. A. O. Jacob as X-ray Expert.

411. MR. M. N. PILLAI (*Trivandrum*): (*a*) Is it a fact that one Mr. A. O. Jacob has been ordered by the Darbar Physician to undergo X-ray training in England at his own expense on the understanding that he would be provided with a place in the Medical Department on his return?

(*b*) Was any one in the department asked whether he was prepared to undergo training at his own expense in England?

(*c*) Why did the Government not depute medical men already in the service to undergo training at Dehra Dhun?

(*d*) Have the Government given an undertaking that Mr. A. O. Jacob will be entertained in the service as soon as he returns after training?

(*e*) Do the Government intend to retain him permanently in the X-ray Department on his return?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) Mr. A. O. Jacob B. A., M. B. B. S., applied to the Darbar Physician and the Government stating that he would specialise in electro-therapeutics in England if the Government would entertain him in the Medical Department on his return. On the recommendation of the Darbar Physician, Government sanctioned the acceptance of Mr. Jacob's offer subject to the following conditions:

[Mr. M. N. Pillai.]

Mr. Jacob should immediately proceed to England and study and obtain a Diploma in Medical Radiology and Electrology in Cambridge or London, and, after qualification, visit and see the practical working of the electro-therape-tic departments in the various London Hospitals for a period of three months, at his own expense.

(*b*) No.

(*c*) The training in England is reported to be far superior to what can be had at Dehra Dhun or anywhere else in India.

(*d*) *Vide* answer to para (*a*) above.

(*e*) Government cannot make any pronouncement now.

MR. M. N. PILLAI (*Trivandrum*): May I know what necessited the Darbar Physician to recommend Mr. A. O. Jacob, an outsider, to undergo training in Europe without consulting the officers already in service?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer consists of several parts. I should like to know with reference to which part he puts the supplementary question.

MR. M. N. PILLAI (*Trivandrum*): In the answer it is stated as follows:

"(*a*) Mr. A. O. Jacob B. A., M. B. B. S., applied to the Darbar Physician and the Government, stating that he would specialise in electro-therapeutics in England if the Government would entertain him in the Medical Department on his return. On the recommendation of the Darbar Physician, Government sanctioned the acceptance of Mr. Jacob's offer subject to the following conditions:

"Mr. Jacob should immediately proceed to England and study and obtain a Diploma in Medical Radiology and Electrology in Cambridge or London, and after qualification, visit and see the practical working of the electro-therapeutic departments in the various London Hospitals for a period of three months, at his own expense."

Are there not men undergoing training in England? Why should not the Government ask any of those men who receive scholarship from the State to undergo training for three months in England in X-ray and electro-therapeutics?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): No medical student in England is holding a scholarship from the Government now.

MR. M. N. PILLAI (*Trivandrum*): But there were men. Was it after those men returned that this man was sent?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Some men have gone on study leave.

MR. M. N. PILLAI (*Trivandrum*): I have asked about the X-ray Department. When I put the question last time, the Darbar Physician

told us that it was very cruel to appoint a man in the X-ray Department for more than six months. Then what are you going to do with this officer after that period?

PRESIDENT: That does not arise here.

MR. M. N. PILLAI (*Trivandrum*): I have asked in (*b*): "Was any one in the department asked whether he was prepared to undergo training at his own expense in England?" May I know why Government did not ask the men already in the department?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Nobody offered himself.

MR. M. N. PILLAI (*Trivandrum*): Is this Mr. A. O. Jacob in service?

PRESIDENT: That is in the answer itself.

MR. M. N. PILLAI (*Trivandrum*): With reference to the answer to (*c*), may I know why the Government did not depute some one in the department to go to Dehra Dhun and get himself trained?

PRESIDENT: The answer is there.

MR. M. N. PILLAI (*Trivandrum*): Sir, medical men cannot be kept for more than six months in the X-ray Department. Then how could this particular individual alone look after it?

PRESIDENT: That does not mean that Dehra Dhun training is the proper training. That question does not arise out of that.

MR. M. N. PILLAI (*Trivandrum*): Is it a fact that the Government have given an undertaking that he would be entertained in the service?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is contained in part (*a*).

MR. M. N. PILLAI (*Trivandrum*): What is the pay offered to him on his return?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That is also stated there.

State-aided Industries.

412. MR. N. RAMAKRISHNA PILLAI (*Vaikam cum Ettumanur*): What are the industries which receive State aid in Travancore?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The industries receiving State aid are the following:—

1. *The Travancore Button Factory.* Mr. Netto, the proprietor of the factory, was given a contract for the collection of shank shells for twenty years on condition that he would start a button factory and popularise button-making in Travancore.

2. *The Trvancore Sugars, Ltd.* The Government have promised to take 25 per cent. of the shares and also to buy the molasses for the manufacture of arrack.

[Mr. T. M. Chidambaratanu Pillai.]

3. *The South Indian Match Factory.*

(*a*) Grant of twenty-five acres of land;

(*b*) timber for construction of the factory, *viz.*, soft wood timber and firewood at concessional rates; and

(*c*) an undertaking not to levy any duty or tax on the manufacture, sale or export of the matches.

4. *The Malabar Match Manufacturing Company.* 8,000 acres of *itta* growing land were leased out to the company as well as twenty five acres of house-site for building a factory were given.

Further, a system of granting loans to small industries has been sanctioned. Besides, Government are giving grants to industrial schools—mostly weaving schools.

Transfer of Mr. S. Ignatius B. A., L. T.

413. MR. PAUL V. DANIEL (*Agastisvaram*): (*a*) Have the Government received a copy of the resolutions passed at a representative public meeting of the citizens of Nanjinad regarding the transfer of Mr. S. Ignatius B. A., L. T., teacher, from Kottar to Shencottah?

(*b*) What action have the Government taken on the same?

(*c*) Was there any special reason for transferring him in the middle of the year, and, if so, what?

(*d*) What class was he teaching in the Kottar High School and with what result?

(*e*) What class is he teaching now, and why?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) The Director of Public Instruction received a copy of a set of resolutions said to have been passed at a meeting held at Nagercoil.

(*b*) No action was taken on it.

(*c*) Yes. Government are not prepared to disclose their reasons.

(*d*) Mr. Ignatius was teaching Forms III and VI in the English High School, Kottar.

(*e*) He is now teaching Forms III, IV and V in the English High School, Shencottah. The assignment of classes and subjects to individual teachers is a matter left to the discretion of Headmasters.

Mr. Ignasimuttu Pillai's work in the Shencottah High School.

414. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): (*a*) Why was Mr. Ignasimuttu Pillai, B. A., L. T., A. C. P., who had been for several years teaching English, transferred from Kottar to Shencottah and assigned work in the lower forms of that school?

(*b*) For what reason did the Director of Public Instruction forbid the 'send off' proposed to be given to Mr. Ignasimuttu Pillai in connection with his transfer?

MR. S. PARAMESVARA AIYER (*Secretary to Government*):

(*a*) The member is referred to part (*e*) of the answer to interpellation No. 463.

(*b*) The member is referred to the Government notification, dated the 15th June, 1891, published at page 59 of Volume II of the *Land Revenue Manual.*

Papers re. Mr. Ignasimuttu Pillai.

415. MR. T. M. CHIDAMBARATANU PILLAI (*Kalkulam cum Tovala*): Will the Government be pleased to place on the table the following records:

(*a*) The D. O.'s sent by the Headmaster, English High School, Kottar, with the Inspector's endorsements thereon, on the strength of which Mr. S. Ignasimuttu Pillai B. A., L. T., A. C. P. (London), was transferred to Shencottah; and

(*b*) the reports and other communications sent by him with reference to Mr. S. Ignasimuttu Pillai after the date of his transfer and with reference to the protest meeting at Kottar?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The records referred to by the member cannot be laid on the table.

Smuggling through Quilon Land Entrance Chowkey.

416. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*):

(*a*) With reference to the answers to Questions Nos. 33 and 34 asked on the 15th Tulam, 1099, will the Government be pleased to state:

(1) whether the Excise Commissioner received a petition stating that a large quantity of cocoanut oil was taken through the Qulion Land Entrance Chowkey without paying duty in 1098;

(2) whether the Excise Commissioner was absent on any day from the Legislative Council meeting held from the 28th Minam to the 8th Medam, 1098, and if so, on which day and whether the Excise Commissioner went to Qulion on that day to enquire about that petition; and

(3) whether, as a result of that enquiry, a peon of the Land Entrance Chowkey, Qulion, was suspended, and a Sub-Inspector and the merchant who smuggled cocoanut oil were fined Rs. 5 and Rs. 100 respectively?

(*b*) Will the Government be pleased to call for and examine the records connected with this case?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(*a*) (1) No petition was received; but information was received by the Excise Commissioner to the effect that, of 500 tins of cocoanut oil exported through the Quilon Land Entrance Chowkey on the 25th Minam, 1098, duty was levied only on 450 tins, and immediate instructions were issued to the Assistant Excise Commissioner, Quilon, for a prompt enquiry and detailed report.

(2) The answer is in the negative.

[Mr. A. Govinda Menon.]

(3) No peon was suspended in connection with the case. There was an enquiry by the Assistant Excise Commissioner and as a result of that enquiry, the Sub-Inspector in charge of the Chowkey was fined Rs. 5 for negligence. There were two accused in the case. One was fined Rs. 60 and the other Rs. 40 by the Assistant Excise Commissioner, Quilon, under the Land Customs Regulation.

(b) Yes.

Excise Sub-Inspectors recruited from outside the Department.

417. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*) :

(a) Will the Government be pleased to place on the table a statement showing the names of the officers who were appointed as Excise Sub-Inspectors from outside, from Minam, 1098, to the end of Vrischikam, 1099 ?

(b) How many of the Sub-Inspectors recruited from outside have been punished departmentally and what is the nature of the offence and the punishment in each case ?

(c) How many of the Sub-Inspectors recruited from outside have been removed from office ? What are the charges against each of them ?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*):

(a) None.

(b) and (c)

Nature of offence.	Number of Sub-Inspectors punished.	Nature of punishment.
For permitting the *kist* to fall in arrears ...	1	Fine of Rs. 3.
Bad preventive work ...	3	Two were fined Rs. 3 each and one Rs. 2.
Fall in tobacco and customs receipts ...	2	Fine of Rs. 3 each.
Poor detection work ...	1	Fine of Rs. 2.
For official irregularities and neglect of work ...	1	Discharge from service.

N. B. This list includes Sub-Inspectors recruited from outside before Mithnam 1098.

Need for a Satram or Camp-shed at Parur.

418. MR. A. GOVINDA MENON (*Alangad* cum *Parur*) : Will the Government be pleased to state ;

(*a*) whether they are aware that considerable difficulties are experienced by touring officers and strangers for want of a public halting place in the town of Parur; and

(*b*) whether they will, in the light of the above fact, see that a P. W. D. camp-shed or a *satram* is constructed in that town in the immediate future?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*):

(*a*) Yes. In this connection, the attention of the member is invited to the discussion on motion No. 165 at the first session of the Legislative Council held during Karkadakam, 1097. The provision of Rs. 3,000 made in the draft budget for 1098 for the construction of a camp-shed at Parur was opposed by the member himself and vetoed by the Council.

(*b*) Provision will be made for the construction of a camp-shed in the draft budget for 1100 M. E.

Co-operative Banks for Kuttanad.

419. MR. L. R. RAJARAJA VARMA KOILTAMPURAN (*Edavagai*): Will the Government be pleased to promote the establishment of co-operative banks among *punja* cultivators in Kuttanad by rendering some special pecuniary help to them?

MR. S. PARAMESVARA AIYAR (*Secretary to Government*): The Co-operative Department will give all necessary advice in the matter of promoting the establishment of Co-operative banks in the Kuttanad. The Trivandrum Central Co-operative Bank, one of whose objects is the financing of Co-operative societies, is the institution to which such societies should apply for pecuniary help.

Appointments made by the Account Officer.

420. MR. TARIATU KUNJITOMMAN (*Muvattupuzha*): Will the Government be pleased to state how many persons there are now in the Account Office on Rs. 25 and above who were appointed by the present Account Officer, and how many among them are Brahmins, Nayars, Catholic Christians, other Christians, Ezhavas and Mahomedans?

MR. K. GEORGE (*Financial Secretary to Government*): Statements* giving the information required by the member are laid on the table.

Verification of Age of Non-Christian Officers.

421. MR. T. KUMARA PILLAI (*Eraniel cum Vilavankod*): Will the Government be pleased to state how, under the provisions of Article 352 (*c*) of the Travancore Service Regulations, the age of non-Christian officers is verified and entered in their service books?

MR. K. GEORGE (*Financial Secretary to Government*): The information required by the member is contained in the Article itself

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* *Vide* appendix VII A & B—page 1215.

[Mr. T. Kumara Pillai.]

Verification of the Age of Officers drawing more than Rs. 150 per mensem.

422. MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): Will the Government be pleased to rule that the officers who draw a salary of Rs. 150 per mensem and who have passed University examinations should produce within a perscribed period copies of the applications forwarded by them for their University examinations, for the purpose of ascertaining their age and correcting it on verification with their service books?

MR. K. GEORGE (*Financial Secretary to Government*): No.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ക്രിസ്ത്യാനികളല്ലാത്ത ഉദ്യോഗസ്ഥന്മാർ സർവ്വീസിൽ ചെല്ലുമ്പോൾ തിരുവിതാംകൂർ സർവ്വീസ് റഗുലേഷൻ ന. ൭ ൨ സി വകുപ്പനുസരിച്ച് അവരുടെ വയസ്സിനെ ഭേദപ്പെടുത്തി സർവ്വീസു പുസ്തകത്തിൽ വയ്ക്കാറുള്ളതു അറിയാമൊ ?

MR. K. GEORGE (*Financial Secretary to Government*): അറിവില്ല.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ജാതകംമാത്രം പരിശോധിച്ചാണോ സർവീസിലേക്ക് വയസ്സ നിർണ്ണയപ്പെടുത്തി എഴുതുന്നതു്?

MR. K. GEORGE (*Financial Secretary to Government*): ജാതകം പരിശോധിച്ച് ഒരു മജിസ്ട്രേട്ടിന്റെ മുമ്പാകെ മൊഴികൊടുത്തോ അല്ലെങ്കിൽ ആ ടൌണിലെ വില്ലേജിലോ ഉള്ള ഒരു പ്രധാനിയുടെ സർട്ടിപ്പിക്കെറ്റോടുകൂടിയൊ ആണ് അങ്ങനെ ചെയ്യുന്നതു്.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): സാധാരണ ഏതുതരത്തിലാണ് ചെയ്യുന്നത്?

MR. K. GEORGE (*Financial Secretary to Government*): രണ്ടു വിധത്തിലും ചെയ്യാറുണ്ട്.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): കൂടുതൽ ഏതുതരത്തിലാണ് ചെയ്യുന്നത്.

MR. K. GEORGE (*Financial Secretary to Government*): സർട്ടിപ്പിക്കെറ്റു നോക്കിയും ജാതകം നോക്കിയും എഴുതാറുണ്ട്.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): അതിൽ കൂടുതൽ ഏതുതരത്തിലാണ്?

MR. K. GEORGE (*Financial Secretary to Government*): അതറിഞ്ഞുകൂടാ.

MR. T. KUMARA PILLAI (*Eraniel* cum *Vilavankod*): ജാതകം മാററിഎഴുതിവയ്ക്കാൻ പ്രയാസമുള്ളതായി ഗവർണ്മെൻറു വിചാരിക്കുന്നുണ്ടോ?

MR. K. GEORGE (*Financial Secretary to Goverment*): അറിഞ്ഞുകൂടാ.

Appointment of Mr. Chacko as Superintendent, Stamp Manufactory.

423. MR. M. N. PILLAI (*Trivandrum*): Will the Government be pleased to state:

(*a*) the pay, qualification and service of Mr. Chacko, who was recently appointed Superintendent of the Stamp Manufactory;

(*b*) the pay, qualification, service and names of the present Superintendents of the Account Office and the Huzur Office;

(*c*) why they ignored the claims of these Superintendents when the appointment was made; and

(*d*) whether it is a fact that a Superintendent of the Account Office once acted as Superintendent of the Stamp Manufactory, and, if so, who he is, and why his claims have been ignored this time?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): (*a*) and (*b*) A Statement* containing the information required is laid on the table.

(*c*) The Stamp Manufactory is an independent institution not in any way connected with the Account Office or the Huzur Secretariat. There is no question, therefore of the claims of the Superintendents of the Account Office or of the Huzur Secretariat being ignored by the appointment of Mr. Chacko to the place.

(*d*) Yes. Mr. P. N. Achyutan Nair B. A., Acting Snperintendent, Account Office, for ten days from 5th Mithunam, 1098 to 14th Mithunam, 1098. As for his claims, *vide* answer to part (*c*).

MR. M. N. PILLAI (*Trivandrum*): What are the special qualifications of Mr. P. O. Chacko, who is now drawing Rs. 125, to be given the place of the Mint Superintendent over seventeen men drawing from Rs. 160 to Rs. 200? May I know what necessitated the Government to give him such a rapid promotion?

PRESIDENT: What is the salary of the appointment?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Rs. 150.

MR. M. N. PILLAI (*Trivandrum*): But the scale is up to Rs. 200. So I wish to know the special reasons for giving him a promotion from Rs. 125 to Rs. 150 in that scale. There are several others equally qualified, and some are B. L's. May I point out—

PRESIDENT: Please do not point out anything. Ask for information or reasons.

MR. M. N. PILLAI (*Trivandrum*): I want to know the reason for giving promotion to Mr. P. O. Chacko B. A., drawing Rs. 125, as the

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* *Vide* appendix VIII—page 1216.

[Mr. R. Krishna Pillai.]

Mint Superintendent, overlooking the claims of several others who are Superintendents in the Huzur Cutcherry and the Account Office?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): The answer is contained in part (*c*). Moreover it is only a temporary appointment carrying a minimum salary of Rs. 150. Most of the Superintendents in the Huzur office are getting more than that.

MR. M. N. PILLAI (*Trivandrum*): Is it the practice that any man can be put in as Mint Superintendent?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): Any qualified man whom the Government consider fit can be put in.

MR. M. N. PILLAI (*Trivandrum*): Government said that recruitment would be made from the Account Office or the Huzur Office.

PRESIDENT: You are making certain statements for which there is no warrant.

MR. M. N. PILLAI (*Trivandrum*): May I know whether Mr. Chacko is to be confirmed as the Mint Superintendent?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): That will be considered when the place falls permanently vacant.

MR. M. N. PILLAI (*Trivandrum*): Are they going to overlook the claims of others who are already in the service?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is nobody in the Mint whose claims could be overlooked.

MR. M. N. PILLAI (*Trivandrum*): Usually those who are in the Account Office and the Secretariat are promoted as Superintendents.

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There is no such rule.

MR. M. N. PILLAI (*Trivandrum*): May I know what is the special qualification of Mr. Chacko?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): He is a B. A; he has passed the Revenue Test; he has passed the Criminal Judicial Test (Higher) and he has put in long service.

MR. M. N. PILLAI (*Trivandrum*): But are there not graduates in law qualified for that place?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): There may be; I do not deny that.

MR. M. N. PILLAI (*Trivandrum*): Are the Government not in a position to give me a definite answer as to why they promoted Mr. Chacko?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): I have already answered that question.

MR. M. N. PILLAI (*Trivandrum*): Were there any other applicants for that place?

MR. R. KRISHNA PILLAI (*Chief Secretary to Government*): None, at any rate, at that time.

Appendix I.

***Vide* Answer to Question No. 351.**

Statement *re.* Buildings taken on rent by the Government.

No.	Name of the owner.	Name and location of the building.	Rent per annum. Rs.	chs.	c.
1	Gauri Amma Parvati Amma.	Kottayativilakam, Cantonment, Vanchiyur Pakuchi.	300	...	...
2	N. Ramakrishna Pillai.	Tampanur. Do.	420	...	...
3	Rozario.	...	305	10	0
4	Dr. M. Joseph.	Opposite the Huzur Cutcherry.	180	...	...
5	D. Abhirama Sastri.	Taliyil, Karamana.	48	...	...
6	Velu Pillai.	Vazhutakad, Taikkad.	48	...	...
7	P. S. Nataraja Pillai.	Perurkkada.	30	...	...
8	Matevan Pillai.	Kaitamukku, Petta.	24	...	...
9	R. Subrahmanya Asari.	Ambalattura, Puntura	18	...	...
10	P. S. Lakshmana Aiyar.	Chakkay.	72	...	...
11	P. Krishna Pillai.	Near the western gate of the Training College.	288	...	...
12	A. Padmanabhan Tampi.	North east of the Police Parade ground.	1,800	...	...
13	Mrs. A. Gomez.	On Madhava Rao Statue Road opposite to the St. Joseph's English High School.	360	...	...
14	Mr. Narayana Pillai Krishna Pillai.	Kaitamukku, Near Petta.	84	...	...
15	Mrs. A. Gomez.	Petta.	733	...	...
16	Mrs. J. C. Mead Augur.	Mead's compound, Cantonment.	978	...	...
17	S. A. Subbier.	'Taikkad Mansion', west of the Residency and south of the Training College	1,500	...	...
18	Vadasseri Ammavakai.	Adjacent to the English High School for Girls. Opposite H. H. the Maharaja's College.	1,380	...	...
19	N. Ramachandriah.	Karamanai.	480	...	...
20	Do.	Do.	84	...	...
21	P. Velu Pillai.	Puttanchantai.	84	...	...
22	N. Madhava Rao.	Ramavilas Bungalow, Taikkad.	480	...	...
23	P. Velu Pillai.	At the junction of Bhaktivilas, Vellayambalam road.	14	...	...
24	E. Padmanabha Pillai.	Sankaramangalam Bungalow, Palkulangara.	B. Rs. 1,200	...	...
25	M. J. John.	Taikkad.	S. Rs. 900	...	...
26	G. Sankara Pillai.	Pujappura.	180	...	...
27	A. P. Kesavan Asan.	Melarannur.	60	...	...
28	J. J. Solomon.	Taikkad.	60	...	...
29	Janardana Aiyar.	Puttan street.	60	...	...
30	Krishna Ammal.	Annaval street.	18	...	...
31	Mrs. P. Thanu Pillai.	Sthanu Vilas, east of the Police Parade ground.	B. Rs. 1,200	...	...
32	John.	South of Women's College, Taikkad.	S. Rs. 230	...	...
33	Dr. M. Joseph.	At the junction of the Taikkad road with the main road at Trivandrum.	780	...	...
34	Vadasseri Amma Vakai	Lakshmivilasam. On the main road near the District Court.	1,116	...	...
35	Rajammal and Krishnammal.	Srikrishnavilasam, Tampanur.	600	...	...
36	D. M. Joseph.	South of the Arts College.	549	18	...
37	Vadasseri Ammavakai.	Sundarapuram buildings, Puttanchantai.	720	...	...
38	Govinda Pillai.	E. N. I. Mandiram, Vanchiyur.	245	...	...
39	Lakshmi Amma Pachi Amma.	Srikrishnavilas Bungalow, Tampanur.	180	...	...

Appendix II.

Vide Answer to Question No. 356.

Castewar statement of *Vernacular School Leaving Certificate Holders* recruited for Government Service in 1097 M. E.

Serial No.	Department or Office.	Nairs.		Christians.		Brahmins.		Ezhavas.		Other Caste Hindus.		Mahomedans.		Other classes.	
		P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.	P.	T.
1	Account Office ...	1	...	...	...	...	...	..	...	...	...	...	...	...	...
2	Land Revenue and Income Tax Department ...	...	166	1	21	...	15	...	7	...	31	...	1	...	...
3	Forest Do. ...	19	6	2	...	...	...	2	2	1	1	...	1	...	...
4	Excise Do. ...	1	24	...	1	...	...	...	3	...	2	...	1	...	...
5	Education Do. ...	...	386	...	97	...	66	...	64	...	70	...	17	...	15
6	Registration Do. ...	...	49	...	10	...	5	...	9	...	8	...	1	...	...
7	Military Do. ...	...	2	...	...	...	...	...	...	...	..	...	...	...	...
8	Anchal Do. ...	5	7	...	...	...	...	...	...	...	2	...	...	...	...
9	Judicial Do. ...	2	59	1	20	...	10	...	6	1	9	...	1	...	...
10	Sanitary Do. ...	...	14	...	4	...	...	...	2	...	1	...	...	...	...
11	Maramat Engineer's Office ...	...	1	...	...	...	...	...	...	...	1	...	...	...	...
12	Municipalities ...	1	3	...	2	..	...	...	1	...	...	...	...	...	...
	Total ...	29	717	4	155	...	96	2	94	2	125	...	22	...	15

N. B. P—Permanent. T—Temporary.

Appendix III.

Vide Answer to Question No. 358.

Statement showing extra remuneration paid to Sirkar Vakils by Government for the conduct of cases on behalf of Government for the last 10 years—1914-1924.

Serial No.	Name of the Sirkar Vakil.	No. and year of the case.	Amount sanctioned by Government.
			Rs.
1	Mr. R. Ananda Rao, Head Sirkar Vakil	Mr. Vernede's Case, C. C. No. 1 of 1095, Special Magistrate's Court, Devicolam	600
2	Do.	Virakeralan Case, P. E Nos. 1 to 4 of 1097, District Magistrate's Court, Quilon	800
3	Do.	Kudivila Case, O. S. No. 3 of 1091, Quilon District Court ...	500
		Total ...	1,900
4	Mr. V. Subba Aiyar, Additional Head Sirkar Vakil.	Noorvacaud case, O. S. No. 87 of 85, Quilon District Court ...	1,000
5	Do.	Valiakavu Reserve claim cases, 5 in number, Quilon Forest Settlement Office ...	500
6	Do.	Perumanam Temple Arbitration case before the British Resident...	1,500
7	Do.	Perumanam Temple Appeals before Cochin Chief Court ...	1,000
8	Do.	Treasury defalcation case (both in the Kottayam Sessions Court and High Court) Sessions Case No. 20/94 ...	2,500
9	Do.	Brander Murder case, Sessions Case 16 of 93, Quilon Sessions Court...	600
10	Do.	Do. before the High Court ...	500
11	Do.	Virakeralan case, Quilon Sessions Court ...	600
		Total ...	8,200
12	Mr. A. Venkatarama Aiyar, Assistant Head Sirkar Vakil.	Counterfeit one Hundred Rupee Currency Note cases, Criminal Appeals 127/96 etc., High Court...	200
		Total ...	200
13	Mr. N. Sundararaja Aiyangar, Assistant Head Sirkar Vakil.	Chengannur Riot Appeals, Criminal Appeals 127/91 etc., High Court.	200
14	Do.	Poonjat case, A. S. No. 67 of 95. High Court ...	1,500
		Total ...	1,700

Appendix III.—(contd.)

Serial No.	Name of the Sirkar Vakil.	No. and year of the case.	Amount sanctioned by Government.
			Rs.
15	Mr. M. Bhaskara Menon, Assistant Head Sirkar Vakil.	Talayolaparambu Riot case Appeals Criminal Appeals 109/97 etc., High Court ...	112½
16	Do.	Counterfeit Five Rupees Note cases, Criminal Appeal 176 of 97 etc., High Court ...	400
		Total ...	512½
17	Mr. A. Kumara Pillai. Sirkar Vakil, Nagercoil.	Forest claim case, No. 93/88 Forest Settlement Office, Padmanabhapuram ...	660
18	Do.	C. C. Nos. 27 and 69 of 1094, Padmanabhapuram Division 1st Class Magistrate's Court ...	460
		Total ...	1,120
19	Mr. K. Thomas Varghese, Sirkar Vakil, Kottayam.	Seminary Murder Case, C. C. No. 282/97, Division 1st Class Magistrate's Court, Kottayam ...	200
20	Do.	Buckingham Stephen's Murder case, C. C. No. 187/88, Division 1st Class Magistrate's Court, Kottayam ...	400
21	Do.	Crl. App. Nos. 299 to 303 and 334/91, Division 1st Class Magistrate's Court, Kottayam (Forest Case)...	25
22	Do.	C. C. Nos. 147 and 149 of 91, 2nd Class Magistrate's Court, Kottayam ...	200
23	Do.	Ancherikkal Reserve Claim Cases, Nos. 6 and 7 of 85, Forest Settlement Office, Kottayam ...	150
24	Do.	Elephant shooting case, C. C. No. 1/92, Special Magistrate's Court, Peermade ...	270
25	Do.	Elephant shooting case Cri. App. 1/93, Special Appellate Court ...	90
26	Do.	Treasury Defalcation case, C. C. No. 4 of 1094, Kottayam District Magistrate's Court ...	540
27	Do.	Mr. Vernede's case. C. C. No. 1/95, Devicolam Special Magistrate's Court ...	420
28	Do.	Mr. Vernede's case at Madras High Court Sessions ...	150

Appendix III.—(*concld.*)

Serial No.	Name of the Sirkar Vakil.	No. and year of the case.	Amount sanctioned by Government.
			Rs.
29	Mr. K. Thomas Varghese, Sirkar Vakil, Kottayam.	Ramapuram Alapara Forest Settlement cases and Peermade, Peruvantanam and Kalluppara Nedumkunnam Boundary Dispute cases ...	1,420
30	Do.	Elephant shooting cases C. C. Nos. 109 of 1096, and 24 and 31 of 97 Peermade Magistrate's Court ...	690
31	Do.	Counterfeit one hundred Rupees Currency Notes cases, C. C. No. 253/95, Division 1st Class Magistrate's Court, Kottayam ...	725
32	Do.	Counterfeit one hundred Rupees Currency Note appeals, Crl. App. 127/96 etc., High Court ...	187½
33	Do.	Mr. K. C. Joshua's Assault case, P. E. No. 6/1098, Stationary 2nd Class Magistrate's Court, Kottayam	100
		Total ...	5,567½
34	Mr. A. Philippose, Addl. Sirkar Vakil, Kottayam.	Treasure Trove cases, C. C. Nos. 26 and 27 of 1093, Kanjirapalli 1st Class Magistrate's Court ...	50
35	Do.	C. C. No. 110 of 1093, Division 1st Class Magistrate's Court, Kottayam ...	20
		Total ...	70
36	P. G. Govinda Pillai, Sirkar Vakil, Alleppey ...	Defalcation in the Sea Customs Office, Alleppey, C. C. No. 456/95, Alleppey, 1st Class Magistrate's Court ...	200

Appendix IV.

***Vide* Answer to Question No. 360.**

List of applicants for appointments as Petty Officers, Sub-Inspectors and Inspectors received in the Excise Commissioner's Office during 1097, 1098 and 1099.

	Petty officers.			Sub-Inspectors.			Inspectors.		
	1097	1098	1099	1097	1098	1099	1097	1098	1099
Brahmins ...	...	...	1	5	...	...	...	...	...
Nairs ...	6	7	2	3	2	...	1	...	...
Christians ...	6	6	2	4	3	1	...	...	2
Mahomedans ...	3	...	...	...	...	...	...	..	...
Ezhavas ...	5	...	1	2	...	...	5	...	...
Others ...	5	2	1	1	..	...	...	...	...

Castewar list of appointments as Petty officers, Sub-Inspectors and Inspectors made in the Excise Department during 1097, 1098 and 1099.

	Petty officers.			Sub-Inspectors.			Inspectors.		
	1097	1098	1099	1097	1098	1099	1097	1098	1099
Brahmins ...	1	3	4	...	7	1	2	1	...
Nairs ...	28	28	8	...	23	1	2	6	3
Christians ...	5	10	6	...	27	1	2	...	...
Mahomedans ...	2	3	1	...	5	...	2	1	...
Ezhavas ...	7	7	2	...	8	...	1	1	...
Others ...	3	9	6	...	3	...	...	...	...

Appendix V.

***Vide* Answer to Question No. 364.**

Number.	Names.	(a) Office in which they were employed at the time of the reorganisation.	(a) Service at the time of the reorganisation.			(b) Examination qualification.	(c) Special qualification.
			Years.	Months.	Days.		
1	P. N. Nilakanta Pillai	Clerk, Excise Commissioner's Office on Rs. 25 and acting on Rs. 30.	7	9	23	S. S. L. C.	..
2	E. Gomez	Temporary 4th grade Inspector on Rs. 25 + 14¾, Kottayam.	6	5	..	Knows English.	He was acting as an Inspector at the time of the reorganisation.
3	P. K. Narayana Pillai	Clerk, Excise Commissioner's Office, on Rs. 20 and acting on Rs. 25.	5	9	3	S. S. L. C.	..
4	N. K. Gopalan Nair	Clerk, Circle Office, Arukutty, on Rs. 20.	7	2	10	Do.	..
5	K. Kesavan	Clerk, Government Press, on Rs. 15.	21	..	..	Knows English.	..
6	C. N. De Lemos	Clerk, Circle Office, Kottayam, on Rs. 20.	1	11	..	Exempted from the examination qualification.	Had military service in Mesopotamia.
7	K. Madhavan	Acting clerk, Excise Commissioner's Office, on Rs. 20.	1	3	16	S. S. L. C.	..
8	K. A. Padmanabhan	Acting Clerk, Circle Office, Piravam, on Rs. 15.	1	2	22	Do.	..
9	M. Velayudha Panikkar	Acting Clerk, Excise Commissioner's Office, on Rs. 20.	0	8	6	Do.	..

Appendix VI.

Vide Answer to Question No. 373.

Serial No.	Name.	Offence.	Punishment.
1	T. K. Madhavan ...	Failure to furnish security for keeping the peace (Section 106 of Cr. P. C.)	6 months' simple imprisonment.
2	K. P. Kesava Menon ...	Do.	Do.
3	Madhavan Govindan ...	Do.	Do.
4	A. Bahuleyan ...	Do.	Do.
5	Chattan Kunjappi ...	Do.	Do.
6	A. K. Pillai ...	Do.	4 months' simple imprisonment.
7	Narayana Menon Velayudha Menon ...	Do.	Do.
8	K. Kelappan Nair ...	Do.	Do.
9	K. Kumar ...	Do.	6 months' simple imprisonment.
10	Unni Kochu Pillai ...	Do.	Do.
11	Narayanan Raman Nair ...	Do.	Do.
12	Kutti Madhavan ...	Do.	Do.
13	Pappi Vasu ...	Do.	Do.
14	P. W. Sebastian ...	Do.	Do.
15	Govindan Gopalakrishnan Nair ...	Do.	Do.
16	George Joseph ...	Do.	Do.
17	Kunjan Kesavar. ...	Do.	Do.
18	Kuttan Kesavan ...	Do.	Do.
19	T. R. Krishnaswami Aiyar ...	Do.	2 months' simple imprisonment.
20	K. N. Narayanan Nair ...	Do.	6 months' simple imprisonment.
21	Aiyamuttu Gounder ...	Disobeying the order of the District Magistrate (Section 56 (ii) of the Police Regulation).	1 month's rigorous imprisonment.
22	Abdur Rahiman ...	Do.	1 month's rigorous imprisonment.
23	Kuruvila Mathew ...	Failure to furnish security for keeping the peace (Section 106 of Cr. P. C.)	3 months' simple imprisonment.
24	Chittedattu Sanku Pillai ...	Disobeying the order of the District Magistrate (Section 56 (ii) of the Police Regulation.)	1 month's rigorous imprisonment.
25	E. V. Ramaswami Naicker of Erode ...	Offence under Section 181 T. P. C.	1 month's simple imprisonment.
26	R. Chakravarti Aiyangar of Kumbakonam ...	Offence under Section 56, Clause 2 of Regulation IV of 1095.	1 month's rigorous imprisonment and 50 Rs. fine, in default of payment of fine to undergo 7 days' rigorous imprisonment.

Appendix VII A.

Vide Answer to Question No. 420.

Castewar list of persons who are now on Rs. 25 and above in the Account Office and who were appointed by the present Account Officer from 1-1-1093.

No. of persons on Rs. 25 and above who were appointed by the present Account Officer.	Brahmins.	Nairs.	Catholic Christians.	Other Christians.	Ezhavas.	Mahomedans.	Others.
49	14	20	...	5	...	...	10

N. B. Of these, 3 Brahmins and 3 Nayars were supernumerary clerks of the Land Revenue Department drafted to this office in the last reorganisation on the 1st Chingam 1098.

Appendix VII B.

Castewar list of acting clerks now in the Account Office.

Acting appointments.	Brahmins.	Nairs.	Roman Catholics.	Other Christian	Ezhavas	Mahomedans.	Other caste Hindus.	Total.
Graduates ...	3	6	2	4	...	1	4	20
Under-Graduates .	1	6	...	6	1	1	2	17
	4	12	2	10	1	2	6	37

Appendix VIII.

***Vide* Answer to Question No. 423.**

Statement showing the pay, qualification, service, etc., of the Superintendents of the Account Office and the Huzur Office and of Mr. Chacko who was recently appointed Superintendent of the Stamp Manufactory, Trivandrum.

Name.	Pay.	Qualification.	Service.		Remarks.	
			Years.	Months		
P. O. Chacko	125	B. A. & Criminal Higher	14	10	Stamp Manufactory.	
A. V. Narasimha Aiyar	200	Matriculate	25	3	On leave.	
M. Ramchandra Rao	180	B. A. & Criminal Higher	13	9	On other duty.	
E. Rama Variar	200	B. A. & Criminal Higher	29	6	Do.	
K. M. Mani	180	B. A.	22	0		
P. V. Paulose	180	B. A.	13	8		Account Office
P. S. Panchapakesa Rao	170	B. A.	18	2		
T. Joseph	160	B. A	16	11		
N. Govinda Pillai	150	F. A. & Two subjects in B. A.	17	6	Do.	
P. N. Achyutan Nair	105	B. A.	16	9	Acting.	
K. J. Cheriyan	105	B. A. & B. L.	15	3	Do.	
K. Gopala Pillai	80	B. A. & B. L.	15	2	Do.	
D. Gnanamuthu	85	B. A. & B. L.	14	1	Do.	
S. Gnana Jerista	160	B. A	29	10	On other duty.	
V. Gopala Aiyangar	160	B. A.	28	2		
P. V. Samuel	160	B. A.	22	6		
K. Madhava Kurup	160	M. A.	10	10		Huzur.
T. M. Raman Pillai	160	B. A.	23	2		
P. Velu Pillai	160	B. A. & B. L.	17	6	Do.	
M. Velayudhan Pillai	160	B. A.	22	4	On special duty.	
K. Govinda Pillai	160	B. A.	16	10		
E. I. Mathew	105	B. A	22	0	Acting.	

THE NAYAR REGULATION AMENDMENT BILL.

Clause 19.

PRESIDENT: We are at Clause 19 of the Nayar Regulation Amendment Bill.

The following amendments were not moved:—

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Lines 1 and 2. Delete "the whole of the" and substitute "one-half of her."

Line 3. Add at the end after "thavazhee", the words "and the other half on her husband."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Line 1. Delete the words "the whole" and substitute the word "one-half".

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*):

Line 1. Delete the words after "her" in line 1 and substitute instead.

"One-half of the self-acquired or separate property left undisposed of by her at her death shall devolve on her mother's thavazhee and the other half on her husband."

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*):

Line 1. Substitute the words "one-half of the self-acquired and separate property left undisposed of by her shall devolve on her husband and the other half on her mother's thavazhee, for the words "the whole of the self-acquired......thavazhee".

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*):

Line 1. Substitute "one-half" for "the whole".

Line 3. Insert the words "husband and the other half on her" between "her" and "mother's".

MR. M. N. PILLAI (*Trivandrum*):

Lines 1, 2 and 3. Substitute the words "one-fourth of the self-acquired and separate property left undisposed of by her at her death shall devolve on her husband if alive and the rest on her mother's thavazhee" for the words "the whole of the self-acquired......thavazhee".

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Add at the end of the Clause the following:—

"And the other half on her husband; but, in the absence of either the husband or the mother's thavazhee, the other shall take the whole".

The question that Clause 19 do form part of the Bill was then put to the vote of the House and carried.

Clause 19 was added to the Bill.

Clause 20.

MR. N. KUMARAN (*Nominated*): This amendment is in consequence of my amendment to Section 19 which was negatived. The amendment is now unnecessary and so I do not move it.

The following amendments were not moved:—

MR. N. KUMARAN (*Nominated*): Substitute the following for Clause 20:—

"On the death of a Nayar female leaving her surviving none of the heirs mentioned in Sections 18 and 19, the self-acquired and separate property left undisposed of by her at her death shall devolve on the thavazhee of her grandmother or on the thavazhee of her more remote female ascendants, the nearer excluding the more remote."

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Line 2. Delete the word "her husband and".

Line 3. Delete the word "one-half" and substitute the words "the whole".

Line 4. Delete the words "her husband and the other half on".

[Mr. M. Raja Raja Varma.]

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Line 2. Delete the words "her husband and".

Line 3. Delete "one-half of the" and substitute "the whole of her".

Line 4. Delete "on her husband and the other half".

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*):

Lines 1 and 2. Delete the words "none of the heirs mentioned in Sections 18 and 19, but".

MR. A. GOVINDA MENON (*Alangad* cum *Parur*):

Lines 6 and 7. Delete.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattanamtitta*):

Lines 6 and 7. Delete.

The question that Clause 20 do form part of the Bill was then put and carried.

Clause 20 was added to the Bill.

Clause 21.

The following amendments were not moved :—

MR. N. KUMARAN (*Nominated*):

Delete the Clause.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*):

Line 4. Substitute the words "and in its absence" for the word "or".

The question that Clause 21 do form part of the Bill was then put and carried.

Clause 21 was added to the Bill.

Clause 22.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): With regard to Clause 22 there are a number of amendments tabled, out of which one is in my name and it is more fundamental than any of the other amendments proposed. So I would like to have permission to move that amendment first.

PRESIDENT: Yes, you may do so.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I beg to move that the following be substituted for the existing Clause 22:

"*On the death of a non-Nayar male leaving him surviving a Nayar widow or children or both, they shall have a claim for maintenance out of the self-acquired and separate property left undisposed of by him at his death, such maintenance being given to the widow only so long as she remains unmarried and to the children so long as they are minors*".

Sir, in commending this amendment for the acceptance of the House, I shall explain briefly my reasons for doing so. Firstly, under no law of inheritance does property descend outside the community of the deceased. The Smritis recognise the marriage of a Brahmin in all the four *varnas*; but descent goes only to his issue within the caste; other issues have only a right of maintenance. And why is it so? Because inheritance carries with it certain obligatory religious duties

You may hold that there is no logical connection between inheritance and religious duties and that their coincidence is only an accident. The position may probably be argued theoretically. But facts are stern and cannot be ignored. As night follows day, inheritance among Hindus follows the performance of the deceased's obsequies. You may call it in the language of the logicians 'invariable concomittance.' But there it is, and it cannot be blinked. There are instances in which even a member of a different family becomes an heir by the performance of the deceased's funeral rites. Here is a crucial instance of the necessary connection of inheritance with religious rites. This distinguishing trait gives inheritance a peculiar significance from a mere provision for prospective maintenance. While I admit that it is no more than elementary justice to provide for one's wife and children, to whatever community or sect they may belong, so long as they retain that status, I am unable to agree to the proposition that, so long as they are incompetent to perform the religious rites of the deceased or participate therein, they could claim any inheritance.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether it is the fault of the wife and children that they are not competent?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): It is the fault of the custom and the usages probably.

Inheritance, as an eminent author says, is an unearned increment. If human labour is the ultimate standard of the value of wealth, inheritance can be justified only on the ground of the spiritual duties imposed on the heir for the deceased. It cannot be claimed by those who are by immemorial custom incompetent to perform such duties.

MR. C. SANKARA MENON (*Quilon*): May I know whether according to the marumakkathayam law any person inherits property by the performance of any funeral rites of another marumakkathayee?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Exactly; it is by performance of funeral rites. Under the marumakkathayam law it is the nephew who performs the funeral rites.

MR. C. SANKARA MENON (*Quilon*): Does inheritance follow the performance of the funeral ceremony?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): That is exactly so.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know whether the State, because it takes the property by escheat, performs the funeral rites of a deceased person leaving no heirs?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): That does not come under inheritance. It is a question of escheat.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I know whether in the whole range of Hindu literature there is any reference to a class of people who benefit their maternal ancestors alone by the offering of their *pindas*?

[Mr. M. Raja Raja Varma]

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Under the Hindu Law, Sir, heirship goes through the male line, because they perform the funeral rites. Under the marumakkathayam law it is through the female. I may also say that marumakkathayam is also makkathayam in this sense, that is, makkatayam through the female line.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Is there mention made of it in the whole range of Hindu literature?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I have not yet gone through the whole of Hindu literature.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the nephew will be entitled to any inheritance under the Hindu Law?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): The member himself knows it.

This brings me to the second reason which I want to explain in favour of my amendment. No legislature is competent to impose a custom or personal law on any community except by the general consent of that community. Although some of my friends were pleased to question the existence of any other personal law for a non-Nayar than what is common to all the marumakkatayees including Nayars, at least when he has contracted a marriage with a Nayar female, I must respectfully dissent from the view that, because a non-Nayar has married a Nayar wife, he has brought himself to her social or religious status.

MR. C. SANKARA MENON (*Quilon*): May I know whether the passing of the Wills Regulation in the Travancore Legislative Council is not an alteration of the personal law of the marumakkathayees?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Sir, was not present when the Wills Regulation was passed.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Is he aware of the fact that the Widow Re-marriage Act has thoroughly changed the customs of the Hindus?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): It may be. That is because of the general consent.

MR. K. PARAMESVARAN PILLI (*Tiruvalla*): What is his authority to say that no legislature is competent to pass any law in respect of any community without its general consent?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I said that no legislature is competent to impose a custom altering the personal law.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): We are not dealing with custom.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I say, the question of inheritance affects the custom, of the community to which I belong.

The argument that, because such a marriage has been declared valid by Regulation I of 1088, the non-Nayar husband has surrendered his custom, social status and religion, cannot be assented to. Regulation I of 1088 never contemplated any such surrender nor have any such consequences followed during the last ten years even among the Nayars themselves. The decisions quoted by my friend Mr. P. K. Narayana Pillai prove that property has descended only within the same community following different systems of inheritance. The provision made in the Bill is an attempt to throw away the system of law by which we are governed from time immemorial, and import a foreign model. In other words, the Bill wants marumakkathayam to be cast away and makkathayam installed instead. It is not for me to expostulate here on the wisdom of taking such a big jump in the dark; but, I believe, I have a right to ask whether the legislature has a right to impose the change on a community reluctant to adopt it. I do grant that when a custom is against public policy or morality, it should be abolished or purified. But surely marumakkathayam does not come under that category. It may be retorted by the same argument that non-Nayars have no right to impose their objection on the Nayar community after having allured them so long by intermarriage. That is exactly what my friend Mr. P. K. Narayana Pillai said at the introduction of this Bill. True, I have only to say that I consider this alluring doctrine as much a myth, as he thinks of my '*seeking after*' argument. I contend that no marriage with a Nayar female ever raised any the least expectation of inheritance on either party and that was never a condition of the marriage contract even after the passing of Regulation I of 1088. It is a new claim advocated now.

Has any necessity arisen for introducing a new claim? I cannot see any. In the first place, the tarwad provides for the maintenance of its members—every man and woman and child in it. The husband or father never leaves his wife or children in the cold, but allows them to share in his comforts and affluence even to the detriment of the members of his tarwad. In fact, one of the stock complaints against the karanavan and male members in any marumakkathayam family dispute is that they give away all to their wife and children and starve or impoverish the tarwad. It is evident therefore that the wife and children are seldom unprovided for by the husband and father whether he be a Nayar or a non-Nayar. Instances are rare in which a non-Nayar has cast away his wife and children without any provision for their maintenance according to his means. On the other hand, many a Nayar family could trace their affluence to its connection with persons belonging to non-Nayar communities. Secondly, I am not aware whether a person can claim simultaneously two sets of inheritance—one through the mother's tarwad and another through the father. That is what the present Bill contemplates. If it is the intention to supplant marumakkathayam by makkathayam, then it is only natural that male members of a tarwad should have no right to a share in the marumakkathayam family property. They tell the weaker sex: "Let us have our share of

[Mr. M. Udaya Varma Raja.]

the plums and then we will leave you to your husbands." I leave it to the House to judge whether this is a correct and chivalrous attitude to adopt.

I ask what is the serious evil that we want to combat by introducing a new system of inheritance. If it is to obviate the vagaries or mismanagement of a karanavan, is the new system not open to the same, if not more, abuse by the father? The father has absolute power of disposal over the property which a karanavan has not. A bad father is more dangerous than a bad karanavan. If the change is for securing individual liberty, I ask should it be at the expense of the common tarwad fund?

Hence neither custom nor rule nor necessity has been proved for introducing a new system of inheritance which offends against the personal law and immemorial usage of non-Nayars. I propose therefore that the Clause be amended as I have put it.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether it was not the custom in rich Nayar tarwads, formerly, to provide for the maintenance of the husbands of their women?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): May be.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Has that custom changed now?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): In those places where the husband was maintained, he is being maintained even now.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Is he aware that there are non-Nayars of the Kshatriya caste married in Nayar tarwads spending large amounts of money for the comforts of their wives and children?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Certainly. That is what I say. They never leave their wife and children in the cold.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Was there such a custom fifty years ago?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): There was.

MR. M. UDAYA VARMA RAJA (*Co-opted*): Sir, in seconding the amendment so ably moved by Mr. Raja Raja Varma, I wish to emphasise the point urged by me in my first speech on the Bill that it is illegal to force the community to change its personal law by a provision for the benefit of another community. The South Indian Hindu carries his personal law with him, even if he emigrates to another part of India where a different system of law prevails.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I know from Mr. Udaya Varma Raja what is the exact significance of the word "illegal" that he has put in just now?

MR. M. UDAYA VARMA RAJA (*Co-opted*): It is not within the province of the legislature to do so. That was what I meant.

The special privilege enjoyed by European British subjects in Asiatic countries, of being tried by Magistrates of their own nationality, is a recognition of their personal law as prevailing in Great Britain. The unwillingness of the British Government to interfere with the personal law is clear from the provisions of the Racial Distinctions Act recently passed by the Legislative Assembly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether if a Travancorean proceeded to any part of British India or England he would be tried only by a Travancore court and not by a British Indian court or English court?

MR. M. UDAYA VARMA RAJA (*Co-opted*): As far as I am aware, I cannot answer that question.

I need hardly inform this House that according to jurisprudence the necessity for every enactment should at first be proved. I am yet at a loss to see the necessity for introducing in the Bill a provision affecting non-Nayars' inheritance. As the existing Nayar Regulation legalises the marriage of non-Nayars with Nayar ladies, there can be no question of invalidity ever arising in future. We regard such marriages no less sacred than marriages performed before the nuptial fire. (Mr. P. K. Narayana Pillai: "*Hear, hear.*") I may also inform the House that the Nayar ladies whom members of our community marry are accorded a status in society which they do not enjoy before. Non-Nayar fathers as a class are not less affectionate or solicitous for providing for their Nayar children than their Nayar fathers. The late mover of the Bill, whose untimely death is deplored by all communities alike, argued that such a provision has found a place in the Cochin Regulation. No doubt, it is fair to compare, but it is unfair to copy. Again the Cochin Regulation was not passed by a Legislative Council after due discussion.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Does he mean that His Highness the Maha Raja of Cochin has not adverted to all the consequences of this Regulation passed by His Highness?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I did not mean that.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Does he know that the Cochin Regulation was passed after a report was made by a committee appointed to take evidence upon the matter after examination of witnesses and so forth?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I think it was.

When the Bill was being discussed by the Select Committee one member said that Tampans and Tirumalpads had sent a petition to the

[Mr. K. Paramesvaran Pillai.]

Council stating that they were fully in favour of this provision. As the non-Nayar members of the Committee had not the privilege of reading the petition, I do not know what they said and what houses were represented by the signatories. The chairman of the Committee had not even the goodness to give us an abstract of their petition as he did in the case of others.

PRESIDENT: You should not refer in the Council to what took place in the Select Committee.

MR. M. UDAYA VARMA RAJA (*Co-opted*): I simply referred to the statements of one gentleman in the Select Committee.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether there was not a meeting of Kshatriyas in the Lakshmipuram Palace in Changanachery last month?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I heard there was.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Was any resolution passed by that conference to the effect that the Nayar wife and children of a non-Nayar should not get any inheritance?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I do not think any resolution of that kind was passed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Was there a resolution passed to the effect that the Nayar wife and children should be given a right of inheritance?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I do not know.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether he got any invitation for the meeting at the Lakshmipuram Palace?

MR. M. UDAYA VARMA RAJA (*Co-opted*): Yes, Sir, I had.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I know whether a representation has been sent to the Government by some 90 families representing nearly a thousand men in a population of one thousand and three hundred Kshatriyas in this land, accepting the principle of this Bill and fully endorsing the view that the right of inheritance should be given?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I do not know of anything like that.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Are we to take it that Mr. Udaya Varma Raja has not taken care to ascertain the opinion of his own community but is only expressing his individual opinions in the matter?

MR. M. UDAYA VARMA RAJA (*Co-opted*): No, I speak of other sub-divisions than Tampans and Tirumalpads.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): Was not a copy of the resolution sent to Mr. Udaya Varma Raja?

MR. M. UDAYA VARMA RAJA (*Co-opted*): No, Sir.

I would submit, Sir, that Tampans and Tirumalpads form only one sub-division of non-Nayars who consist of many other sub-divisions, such as Brahmins, Rajas, Koil Tampurans, Muttatus, etc. They have all protested against this provision. Two days ago I received the letter of the Elaya Raja of Edapalli Swarupam who, as the representative of his family, requests me to place before this House their prayer that no provision injurious to Brahmins and other non-Nayars should be included in the Bill.

I carefully listened to the speeches of my learned friends in the Council. I did also take part in the discussion of the Bill by the Select Committee.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I know whether the male members of his community are entitled to marry in that community?

MR. M. UDAYA VARMA RAJA (*Co-opted*): I do not know that.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Has there been any instance of such a marriage in the community?

MR. M. UDAYA VARMA RAJA (*Co-opted*): By marriage I do not know what he means here.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Marriage or *Sambandham*.

MR. M. UDAYA VARMA RAJA (*Co-opted*): I do not know.

The only reason that seems to me to have prompted the embodying of this provision in the Nayar Regulation Amendment Bill is a sentimental one, *viz*., that my Nayar friends want to declare by law equality of caste with non-Nayars who enter into marital relations with Nayar ladies. I submit, Sir, that the time is not come for declaring Nayar children of non-Nayar fathers as their descendants.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I want to make a correction. As a Nayar myself, I must declare that the Nayars in this House do not propose to abolish caste distinctions by legislation.

MR. M. UDAYA VARMA RAJA (*Co-opted*): As long as caste distinctions continue, the present state of things cannot but continue. This is not a matter that can be decided by a majority of votes. The feelings of communities which do not directly come within the scope of the Bill have to be duly respected. I therefore strongly protest against the retention of Section 22 in its present form and pray that the House may accept the amendment.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): I rise to express my emphatic protest against the amendment moved by Mr. Raja Raja Varma. I am rather breaking a vow of silence I have been hitherto maintaining, for my own reasons. But I had never seen an amendment like this coming before this Council and moved by any

[Mr. L. R. Raja Raja Varma Koil Tampuran.]

other individual. It is my just duty to oppose it as vehemently as I can possibly do. Twenty-four hours, the duration of a day, have not passed since the very mover of this amendment championed the cause of those who wanted the husband of a Nayar lady dying childless to inherit half the estate of the deceased wife. Fortunately or unfortunately, that amendment was not moved and the Section was left as it is. Not ten minutes have passed before a Section, which relates both to Nayar and non-Nayar husbands was passed by this Council. Not ten minutes ago a Section as this, "on the death of a Nayar female leaving her surviving none of the heirs mentioned in Sections 18 and 19, but only her husband and her grandmother's thavazhee, one-half of the self-acquired and separate property left undisposed of by her at her death shall devolve on her husband and the other half on her grand-mother's thavazhee"—was passed by this Council. This is Section 20. This Clause shows that the husband, whether a non-Nayar or a Nayar, is entitled to the property of the deceased wife leaving no children or brothers or sisters. In the present amendment the mover does not want even a single *koochucasu* (*laughter*) of the husband's or the father's property to go to the wife and children. The iniquity of this amendment is so patent that I think this amendment will deserve its fate—I mean that none excepting the mover and the seconder will support it. The non-Nayar husband wants half the share of his wife's property, provided she has no children and no brothers or sisters. The very same husband, in the case of giving a right of inheritance to the Nayar wife and children, is nowhere. The very mover of this amendment wanted to lift the husband to a grade over that furnished by the Section which was passed yesterday. So I need only say that I am sure this amendment will meet the fate that it deserves at the hands of every man who has got any sense of justice.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I beg to support the amendment with the following remarks. I will be doing a great injustice to the constituency I represent and to the community I belong to, if I sit silent on this very vital question which affects them both. I represent a constituency consisting essentially, I believe, according to the voters' list, of non-Nayars and belong to the community of Keraliya Kshatriyas, who are all privileged, under the existing custom, to marry Nayar ladies. Many of the members of this constituency do have Nayar wives, and the Keraliya Kshatriyas—several of whom are also married to Nayar ladies—are allied to Nayars, at least in the law of inheritance. If there is one community that freely mixes with them, takes the keenest interest in their welfare and advances the most sympathetic views on their social matters, it is the Kshatriyas. I, for one, am very much astonished to find that there is such a divergence of opinion created between the views held by the members of the two communities on this solitary question and I really grieve for the unhappy split now created, based, I am sure, on certain misunderstandings.

First, let me review our own situation. The Keraliya Kshatriyas are, all of them, marumakkathayees; and by their law of inheritance, the nephew or the sister's son (or the family karanavan, for the family) inherits the whole of the self-acquired property left undisposed of by any deceased member. They do not inherit from their father and I think it is unreasonable and unjust to impose a *makkavazhi* inheritance on their children only. If they take from their fathers it is well they are asked to give to their children. But they do not, and under the existing custom, they cannot. There is the question, is it not the same case with the Nayars? Yes. They now legislate to remove this evil.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Is he aware that a memorial has been submitted by Kshatriyas to include them also in the Nayar Bill?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I am coming to that.

If the learned mover of the Bill had introduced a Bill regulating marriage and inheritance affecting all the marumakkathayees, I would have given him my earnest support for the reform. Neither the Kshatriya community nor the Nayar community are, as they stand at present, self-contained communities. The laws of one necessarily affect the other. I appeal to the good sense of this House and the Nayar community in general to take a sympathetic view in the matter of the suffering Kshatriyas.

Now this Section 22 as it stands is extremely prejudicial to the interests of the non-Nayar—not to such individuals as entered into matrimonial relations with Nayar ladies, but to their legal descendants. It is not the opinion of a non-Nayar male who has a Nayar wife that ought to be considered here, but of his legal heirs, who alone, under the existing law, have a right to his properties, and who can inherit only from such a man. Think of the case, Sir, when there is one section at least in the community, whose males have only Nayar wives. The freedom of disposal of self-acquired property in the case of a non-Nayar husband is not restrained at all; but the right of inheritance that was his in the case of a non-Nayar marumakan is hereby taken away without his consent. Imagine, Sir, he case of one deprived of his rights and property and rendered helpless to defend himself in the matter, by imposing upon him an extraneous legislative measure not sought for by his own parents or guardians nor even by his own community. Such interference of personal law, I think, is inequitable and unjust in the highest degree. Suppose a new Bill for any of these non-Nayar caste-Hindu communities is introduced in this Council, with clauses which infringe upon the rights of any other community. Is it justifiable? It is not the question of passing it in the Council by a clear majority, but, a question whether the principle itself is acceptable at all. What we legislate here must be justice—pure justice. I do understand, Sir, the very great difficulty for the Nayar community to draw a distinction between the wives of Nayar husbands and the wives of non-Nayar husbands. (*Hear, hear.*)

[Mr. L. R. Raja Raja Varma Koil Tampuran.]

MR. A. HOOGEWERF (*Nominated*): Are we not legislating here to define the rights of—

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Louder please.

MR. A. HOOGEWERF (*Nominated*): Are we not legislating here to define the rights and improve the condition of the Nayar community itself before we think of anybody else?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): May I answer Sir?

PRESIDENT: You may answer if you are prepared to answer.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): What I want is that the Nayar community should not be taken alone and legislated for, because they are by marriage and several other ties related to the Brahmin and the Kshatriya communities. It will be unjust for those communities.

I wish they do not draw the distinction at all. All the Clauses 12 to 17 should be made applicable to Nayar husbands and non-Nayar husbands alike in future. But what can be done in the case of existing marriages? Can we press the measure of absolute equality between the Nayar husband and the non-Nayar husband? Certainly that would inflict a very unhappy calamity both on non-Nayar families and Nayar families which have mixed non-Nayar couples.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether he has no objection to the applicability of Section 12 in the case of future marriages of Nayar ladies with non-Nayars?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): All the Sections from 12 to 19 must apply to non-Nayars and Nayars alike so far as future marriages are concerned and not as regards the existing marriages. That is my view on the question. As regards the existing marriages there must be freedom of contract.

The non-Nayar husband who is unwilling to be caught in the clucthes of this Regulation shall be obliged either to will away his property (if permitted to do so) or to make a gift or to resort to the last recourse of an entire retreat from the marriage contract immediately, which inhuman act I wish no man of any self-respect would do. A will of unknown contents is naturally construed to be against her by the wife; a gift or even a declaration open for the husband alone to perform, will equally discomfort her. This estrangement between the parties is sure to grow up, and it goes without saying that, though both parties suffer, it is the wife's party that suffers most, in any case. In an enactment purposely intended to benefit the Nayar wife, if this should be the natural result, it is deplorable indeed!

Hence, what I suggest is, in the case of existing marriages, the non-Nayar husband should not be driven to seek such a course out of dire necessity.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I thought the amendment was intended to apply to future marriages, because under the existing law it is only contemplated to provide for maintenance. That necessarily means maintenance after the passing of this Regulation, whether the marriage is contracted before or after.

PRESIDENT: He says that it should not apply to marriages already contracted.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Not for maintenance even?

PRESIDENT: No.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): At the end of my speech I have to propose an amendment.

The parties to the present marriages ought to be allowed full freedom of contract so that there will be no room for Mr. Govinda Menon's objection also. Hence, may I suggest to the mover of this amendment to put it as a proviso to Section 22, instead of substituting it for the present Section—a proviso concerning existing marriages only and allowing the parties to contract as they like, notwithstanding anything contained in this Section? The right for maintenance may be given in respect of existing marriages also. Hereafter, for future marriages there shall be no distinction. If it seems desirable for the Nayar community to accept, all right; Clauses 13 to 19 may be applied to all non-Nayar husbands also. The whole thing may be amended like that.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): The question regarding existing marriages is sought to be provided for at the end of the Bill. So, that question need be considered only then.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): As it is, I do not know whether the last Clause will be passed or not. So I must give my opinion now and then vote for it.

PRESIDENT: Do you formally propose the amendment?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Let me finish my speech and then I will propose the amendment.

PRESIDENT: I thought you had finished.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I must give the opinion of my community and constituency before I finish. That would be better and more impressive as regards the Council also.

Hence may I suggest to the mover of this amendment to put it as a proviso instead of substituting it for the existing Clause—a proviso concerning existing marriages only, allowing the parties to contract as they like, notwithstanding anything contained in this Section?

MR. A. GOVINDA MENON (*Alangad cum Parur*): Even as regards future marriages?

[Mr. C. P. Kochukunju Pillai.]

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): No; the proviso is only for existing marriages.

Even if the member is not willing to accept my suggestion, I believe I am bound to vote for him. I stand here in the capacity of the representative of the Edavagai and Pension-holders' constituency. I had invited the opinion of the members of the constituency in a formal circular and the reply I have received from most of the members, —with the exception of two or three I can say all,—are identical on the point. That they disapprove of this Section—

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): അങ്ങ് ക്ഷത്രിയന്മാരുടെ പ്രതിനിധിയായിട്ട് ഇതിൽ അവരുടെ അഭിപ്രായം അറിഞ്ഞിട്ടുണ്ടോ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): അറിഞ്ഞിട്ടുണ്ട്. ആ അഭിപ്രായം തന്നെയാണ് ഇവിടെ പറയുന്നത്.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): മെജാറിററിയിൽ എല്ലാപേക്കും അനുകൂലാഭിപ്രായമാണോ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): നൂററിനു തൊണ്ണൂററെട്ടും വിപരീതാഭിപ്രായമാണ്.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): അതുകൊണ്ടു ഇപ്പോൾ പറയുന്നത് സ്വന്തം അഭിപ്രായമാണോ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): ഇതു എന്റെ സ്വന്തം അഭിപ്രായംതന്നെയാണ്. അതിനെ ഞാൻ സജസ്ററു ചെയ്യുന്നതേയുള്ളൂ അക്സപ്ററു ചെയ്യണമെന്നില്ല.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How many Edavagais are represented by Mr. Raja Raja Varma ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I think, three. If the member wants the names, I am prepared to give them out.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know whether he was present at the meeting of the Kshatriyas of Travancore held in the Lakshmipuram Palace ?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Yes.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): Was it their opinion that they must be included in the Bill?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Yes.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): May I know the number of Kshatriyas present at that meeting?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): About one hundred and thirty were present, of which there were eighty Tirumulpads and Tampans, and the rest, mainly Rajas and Koil Tampurans.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*). Will he give me the approximate number of Kshatriyas that were represented there?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Out of about seven hundred Tampans and Tirumalpads about seventy to eighty were present.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): So seventy persons represented seven hundred?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Out of a total population of about seven hundred or eight hundred about seventy or eighty were present?

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): That is not what I want. Will he be pleased to state how many Tampans and Tirumalpads those seventy that were present represented?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I have given the figures. The percentage can be calculated therefrom.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): How many families did they represent?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I do not know.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): How many were invited?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Almost all.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): How many families were invited?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): About seventy or eighty.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnattur*): About seventy or eighty families were invited and seventy or eighty were present, and each member present did not represent a family.

PRESIDENT: You should not cross-examine him like that. (*Laughter.*)

MR. L. R. RAJA RAJA VARMA (*Edavagai*): Koil Tampurans and Rajas also form an equal number. Out of them only about thirty were present.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What was their attitude with respect to Clause 22?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): We did not put that question there at all.

[Mr. L. R. Raja Raja Varma Koil Tampuran.]

PRESIDENT: Kindly hurry up, Mr. Raja Raja Varma.

MR. A. HOOGEWERF (*Nominated*): Does the number 700 include the number of females also? (*Laughter.*)

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN *Edavagai*): Yes, both males and females.

MR. A. HOOGEWERF (*Nominated*): Children too?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): Yes, the total population of Kshatriyas, I am made to understand, is one thousand and four hundred, out of which nearly a half, or just a little less than a half, consists of Koil Tampurans and Rajas.

I had invited the opinion of the members of the constituency in a formal circular and from the reply I have received from most of the members, with the exception of two or three, I can say that they are unanimous in disapproving of this Section. Many of the members add that they agree to the opinion of Mr. M. Raja Raja Varma and expressly say that they wish that I should vote for the same. That is the express wish of the constituency.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Of three families?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): No, it is not the Edavagai only; it includes pension-holders also. They consist of more than three. As a member of the Kshatriya community also, let me say a few words. Of the different sections of Kshatriyas, I should say the majority of the males amongst Tampans and Tirumulpads are for the retention of the Section as in the Select Committee Report unimpaired. The other sections consisting mainly of Koil Tampurans and Rajas who come under the head of pension-holders mentioned before are by a vast majority against the retention of the same. Of course, taking the population into consideration and the opinion of the females also I believe the opinion of those who are against it will largely outweigh the other; and hence I request the members to look into the question with an unprejudiced mind and express their candid opinion in the matter without any communal leaning.

PRESIDENT: You do not propose any amendment?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I have no objection to move it formally if necessary.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is it possible to propose an amendment to an amendment?

PRESIDENT: I have already ruled that it could be done. Are you proposing the amendment, Mr. Raja Raja Varma?

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): The following may be added as a proviso to Section 22:—

"In the case of marriages subsisting on the date of the passing of the Regulation, the Nayar wife and children shall have a right to maintenance only, unless the parties contract in writing registered to the contrary."

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): That is not an amendment to the amendment under discussion.

PRESIDENT: If it is a different amendment you must move it afterwards.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavagai*): I want a proviso to be added to Clause 22.

PRESIDENT: That can be done only later on.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I rise to oppose the amendment. I am not second to my friend Mr. L.R. Raja Raja Varma in the spirit of good-will and I also trust that good-will is actuated by deliberation. But all the same I feel bound to oppose the amendment. The learned mover of the amendment has conceded that the marriage which a non-Nayar contracts with a Nayar female is sufficiently dignified. He has admitted that non-Nayar husbands do endeavour to raise the status of their wives. I have come across several instances in which non-Nayar husbands of Nayar females live in the houses of their wives. The trend of this Bill, Sir, is to make marriages more permanent than they were and more dignified. It is quite natural therefore that we should desire to give to the children of these dignified marriages sufficient status in the estimation of the world, and so long as in other communities inheritance is one of the incidents to this dignity, we claim that inheritance also should go to the Nayar children of such marriages. The amendment is to the effect that maintenance may be given to the widow and children after the death of the non-Nayar husband. The non-Nayar husband is at present compelled by law to give maintenance, so that the only change that is proposed is that even after his death his family property may be held liable for the maintenance charges. In the view that I have taken of the effect of these marriages, I may tell my friend Mr. Raja Raja Varma that it is not likely that this kind of feeble compromise will be accepted. It is a kind of relief work. It has been observed, Sir, that relief works are like opiates—the more one takes the more one wants. So that there is no justification for discussing this question at any length in this House because the route followed is not straight but circumlocutory, and therefore ineffective. The crux of the whole question is whether inheritance should follow a marriage. I quite sympathise with the views expressed by Mr. L. R. Raja Raja Varma that marriage is marriage whether it is marriage between Nayars or between a Nayar female and a non-Nayar male. I find in the agenda several amendments which cover a much larger ground than the amendment proposed by Mr. Raja Raja Varma. This amendment is not of a commendable or conciliatory nature. It does not serve the purpose. It would raise unnecessary animosities. In the view I have taken, I have chosen to oppose the present amendment because there is ample opportunity given to this House of discussing the question and examining in detail the merits of the more serious proposals. Nobody is going to be satisfied with this amendment even if it is carried, For that reason I oppose the amendment.

[Mr. P. K. Narayana Pillai.]

MR. J. JOHN NIDIRY (*Changanachery* cum *Minachil*): Sir, as we are at a very important and rather controversial stage of the Bill, I think, though a Christian it is my duty is to state my views on the subject. Of course, I thought that the best course for a man like me was to speak as little as possible, until very important stages like this are come, and then give my Nayar friends reap the benefit of my vote. But I think we have come to a stage at which my opinion also may be of some value.

Sir, I can really sympathise with the position of non-Nayars who, out of necessity or under circumstances historical or otherwise, which were beyond their control had to contract marriages with Nayars, and as such our chief duty is to see that justice is done to non-Nayar communities also. I can also understand the sentiment of the Nayar members, that what they feel most is that the marriages whether it be with Nayars or non-Nayars, of their females should be similar to other marriages, should have similar dignity and status; and that is a thing that every right-minded man should support. Of course on account of the peculiar customs or otherwise, though others may not attach the same importance or sanctity to the marriages of non-Nayars with Nayars, I think the Nayars are very right in demanding to recognise that marriage of Nayar females with non-Nayars should be as sacred and important as any other. Since we are making the matrimonial ties of the Nayar female, whether with the Nayar male or the non-Nayar male, more sacred and binding, I think we are bound to respect the feelings of our Nayar friends. But my only difficulty is, what are we to do with respect to the marriages of non-Nayars which were contracted at a time when there were no such restricting laws or when marriages were not followed by such rights as we are now providing for in this Bill? That being the case, my opinion in this, as well as in some of the Sections we have to deal with hereafter, is that we should see that the feelings of the non-Nayars are equally respected by not giving the Bill a retrospective effect with regard to existing marriages. Of course existing marriages came into being when there was no such Regulation. I find that custom was also not so strict as this. So when we are going to make a little departure from the existing practice, it is nothing but fair that the existing marriages should be left as it is, without disturbing the rights which they had at the time of the contract. So, under these circumstances, though I am not in a position to support the amendment of the mover, still I think some provision, as has been suggested by my friend Mr. L. R. Raja Raja Varma, with regard to existing marriages, is necessary, so that the feelings of the non-Nayar husbands also should be duly considered by this Council.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I am very sorry I have to oppose the amendment. The question that is now proposed by means of this amendment of Mr. M. Raja Raja Varma is whether the Nayar wife and her children by a non-Nayar should ever go

without any inheritance. At best he concedes—what now exists practically as the law—that the Nayar wife and children of a non-Nayar are entitled to maintenance, and the only step forward that he has been good enough to concede in favour of the Nayar community is that, even after the death of the particular non-Nayar, his property, if any, may be made liable for the maintenance of the minor children and of the wife till the latter's remarriage. That is the only extension of the existing practice that has been suggested as a step forward for the time being. The object of the amendment is to deprive the Nayar wife and her children of all manner of rights in the non-Nayar husband's property. That is a position to which I am sorry I cannot reconcile myself. There are a number of other questions to be discussed, and this particular amendment which aims only at one thing, of depriving a right of inheritance and not creating a right of inheritance in favour of such non-Nayar's wife and children, I fear I shall not be able to accept.

My friend Mr. Nidiry says that we have to respect the feelings of the non-Nayar section also. I am sorry I will have to differ from him. Feelings ought to be respected but only in subordination to rights and justice. The first thing that we have to respect is the operation of justice between party and party, or, as an Englishman would put it, the righteousness of the claims and liabilities on both sides. If it is a righteous claim, certainly we ought to respect it first. If it is only a question of feeling struggling against one's sense of justice, I shall not allow myself to be overpowered by my feelings or get converted to the view of my friend Mr. Nidiry. Whatever may be the source of the feeling or the matter with which the feelings are entertained, I am sorry I shall not be a party to that view. What, therefore, I would request my friend Mr. Nidiry to bear in mind is the justice of the claim that we are going to make out in favour of the wife and children of the existing marriages, and if Mr. Nidiry, as I am sure, is going to be convinced of the claim, he may take that into consideration first and then think whether feelings should subordinate his convictions in the matter or not.

As to the position of Mr. L. R. Raja Raja Varma I hope that, when the matter is argued out, he would probably veer round and support the claim. He is a fair-minded young gentleman and I have great hopes in him. (*Laughter.*) It was in his Palace, Sir, that the Kshatriya convention was held, where a number of leading Kshatriyas of Travancore, headed by a man of remarkable culture, who has been serving the State in the Training College—I mean Mr. Rama Varma Tampan—assembled and passed memorable resolutions in language and sentiment redolent of all that is noble in their community, to support the present measure, requesting Mr. L. R. Raja Raja Varma himself at the same time to move an amendment to this Bill so that the provisions of this Bill may be made applicable to the Kshatriya community also. When I was the other day at the Ennakkad Palace where a marriage ceremony was performed, from my talk with various members of the Kshatriya community, to which

[Mr. P. K. Narayana Pillai.]

my friend Mr. L. R. Raja Raja Varma as well as my friends Mr. Udaya Varma Raja and Mr. M. Raja Raja Varma also belong, I understood clearly that many of them were in favour of extending the right of inheritance to the wife and children of a non-Nayar belonging to their own community and that even existing marriages should on no account be made an exception in that respect. In pursuance of that view some of them had also written to Mr. L. R. Raja Raja Varma. I understand as he himself showed me a letter written by the artist Mr. Raja Raja Varma of Mavelikara, the nephew of Mr. Udaya Varma Raja whom we are glad to have with us in this Council,- that even in the Tampuran community there are a number of persons in favour of this particular measure. Again I am submitting that this question will have to be considered from a wider standpoint. I have just now informed the House the sort of voice which exists in the Kshatriya community with respect to this question. I am further of opinion that this is not a question which is to be viewed from any communal stand-point at all. Sir, a few members, be they of the Kshatriya community or of the Brahmin community or of the specialised Kshatriya community—namely, the Tirumalpad community or the Tampan community—are found to contract marital relations with Nayar females. Whatever be the sort of subsequent wrappings made to the idea of marriage, and whatever be the view that people are prone to take of it, essentially it is a matter of agreement between party and party. Even in Hindu Law we have got the observations of Justice Mr. Hunt quoted in 20, T. L. R., citing Gurudas Banerjee on the subject of marriage that, after all, it is a case of contract. Mr. Justice Hunt on page 92 of 20 T. L. R. says:—

"Gurudas Banerjee on Marriage, page 95, cites a passage from Manu which shows that the actual evidence of the bond of matrimony is to be found in the first gift and that the religious ceremony was to make the marriage propitious."

So, even in Hindu Law, an authority so eminent as Sir Gurudas is of opinion that it is a matter of gift and acceptance, in other words that it is a matter of agreement between party and party. Such being the case, I raise the question where is the necessity of clouding it with all manner of things, and losing sight of the central idea? After all there is an agreement at the root of the whole thing. Such being the case I would raise a further question. Sir, in the realm of contract, if it so happens that one party happens to be of a particular community, should the community *ipso facto* have a claim and voice in the matter of his doings? It is a very strange proposition! I would request you, Sir, to consider the question of any member of the Kshatriya community making a contract with respect to a forest coupe. No one else has got anything to do with that agreement. So in the present instance I am submitting that there is only a question of agreement where one man undertakes, whether the rest of the community agrees to it or not, to marry a Nayar female. Is it the concern of the rest of the community to haunt the man through his proceedings with respect to it? No. I would take a more extended case.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Are we to go into that large question on this point and wait for the results of the voting on this issue?

PRESIDENT: Mr. Narayana Plllai anticipates the discussion and hence takes it up at once.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN) *Edavagai*): Does Mr. Narayana Pillai know that there is a section in the Kshatriya community who take only Nayar wives?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I do know, Sir. I was the first to give expression to it when the discussion came up in this Council.

Just take the more pronounced case of a member of the Kshatriya community about to get himself converted into Christianity or into the Moslem faith. What business has the community to do with such a man? Absolutely nothing. Of course in the present instance he does not change his faith. That he should always be kept subordinate to his community is rather very harsh. Therefore, I am submitting only this aspect of the question, namely, that there is no communal question to be dealt with here. Because certain members of the community speak this way and that way, that ought not to make us forget what we are at. Here are the doings of certain persons. What ought to be the consequences should be the question that the Council will have to take into onsideration and it should not get itself blinded by irrelevant considera-ctions of feelings and sentimental twaddle. Keeping all this apart, we must give the whole question our considered attention. Because the Edavagai has instructed me, because the pensioners have informed me thus—that, I say, is not the angle from which such a fair-minded young man as Mr. L. R. Raja Raja Varma has to view the question; but the real merits of the question have to be taken into consideration at a subsequent stage.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether the whole question is not being discussed from the point of view of the Nayar community?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): From the point of view of universal justice and righteousness. (*Laughter.*) For the time being I shall not consider myself to be a Nayar. It is a misfortune that I happen to be a Nayar in the present instance. (*Laughter.*) I say, I shall only consider the question from the stand-point of universal justice. I wanted myself to proclaim that aspect of the question and I am thankful to Mr. T. K. Velu Pillai for bringing it out. Viewing it in that light I am very sorry I have to oppose the amendment of Mr. Raja Raja Varma.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): സർ, മിസ്റ്റർ രാജരാജവർമ്മയുടെ ഭേദഗതിയോടു ഞാൻ യോജിക്കുന്നു. ഇതിന്റെ തത്വത്തെപ്പറ്റി പലരും പറഞ്ഞുകഴിഞ്ഞു. മരുമക്കത്തായവും വിജാതീയവിവാഹവും ഒരാളിന്റെ ശക്തികൊണ്ടോ, അല്ലെങ്കിൽ ഏർപ്പാ

[Mr. Trivikramar Vasudevar.]

ട്ടുകൊണ്ടോ നടപ്പിൽ വന്നിട്ടുള്ളതാണെന്നാണ് എന്റെ അഭിപ്രായം. മരുമക്കത്തായം നശിക്കുമ്പോൾ വിജാതീയവിവാഹവും അതോടുകൂടി നശിക്കുന്നതാണ്. രണ്ടെണ്ണം യോജിച്ചിരിക്കുമ്പോൾ അതിൽ ഒന്നു നശിക്കുകയാണെങ്കിൽ മററതു നിലനിൽക്കുന്നതല്ല.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): ഒരാൾ ഏർപ്പെടുത്തിയതാണെങ്കിൽ പിന്നെ ആ ആൾക്കുതന്നെ മാററരുതോ?

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): ആ കാര്യം ഇന്നും വിപരീതാഭിപ്രായത്തിൽ കിടക്കുന്ന ഒന്നാണ്. ഒരാളുടെ ഏർപ്പാടായിരിക്കാം. ആരാണെന്നു തീർച്ചപറയുന്നില്ല. ആരായിരിക്കും എന്നും എനിക്കു നിശ്ചയമില്ല. ആക്കാര്യവും സംശയമാണ്.

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara cum Kunnattur*): ആ സംശയം എന്താണെന്നു കേട്ടാൽ കൊള്ളാം.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): പരശുരാമനാണെന്നാണ് വിചാരിച്ചിട്ടുള്ളതു്. അതുപറയുമ്പോൾ അതിലും വാദപ്രതിവാദങ്ങളുണ്ടാകും. അതാണ് ഞാൻ ഖണ്ഡിച്ചുപറയാത്തതു്. ഇപ്പോൾ പരസ്പരം യോജിച്ചിരിയ്ക്കുന്ന ഒന്ന് എപ്പോൾ വേണ്ടെന്നു പറയുന്നുവോ അപ്പോൾ മററുള്ളവരും അതിനെ ആചരിക്കേണ്ടതായി വരും. വിജാതീയവിവാഹത്തിനുതന്നെ കാരണം മരുമക്കത്തായത്തിന്റെ സമ്പ്രദായമാണ്. അത് ആചരിക്കുന്നവരൊക്കെ അതു വേഗം മാററിക്കിട്ടണമെന്ന് ഇപ്പോൾ എവിടെ നോക്കിയാലും മുറവിളികൂട്ടുന്നതു കേൾക്കാം. ക്ഷത്രിയന്മാർക്കാകട്ടെ സാമന്തന്മാർക്കാകട്ടെ മററുള്ള മരുമക്കത്തായക്കാർക്കെല്ലാംപോലും തന്നെയാകട്ടെ ഇപ്പോൾ മക്കത്തായം കിട്ടണമെന്നാണ് ആഗ്രഹമുള്ളതു്. അതാണ് സ്വാഭാവികമായിട്ടും പ്രകൃതിദത്തമായിട്ടുമുള്ള നിയമവും, ദായക്രമവും അതാണ്. ലോകത്തിൽ എല്ലായിടത്തും അതാണ് നടപ്പുള്ളത്. കേരളത്തിൽ മാത്രമേ ഇങ്ങനെ ഒരു മരുമക്കത്തായമുള്ളുവെന്ന എല്ലാവരും യുക്തിയുക്തമായി വാദിക്കുന്നത് ഞാൻ കേട്ടിട്ടുണ്ട്. അതുപോലെ വിജാതീയവിവാഹവും കേരളത്തിൽ അല്ലാതെ വേറെ ഒരു ദിക്കിലും ഉണ്ടെന്ന് എനിക്ക് തോന്നുന്നില്ല. ഇവിടെ നാട്ടുപ്രകാരം പല വ്യത്യാസങ്ങളും ഉണ്ടാകാമായിരിക്കാം.

ഒരു വിജാതീയവിവാഹം ചെയ്യുന്നതിൽ ഒരു ബ്രാഹ്മണന് ആക്ഷേപമില്ല. ഇങ്ങനെയുള്ള ഒരു വിവാഹം ചെയ്യുന്നതിൽ നായന്മാൎക്കും ആക്ഷേപമില്ല. ഇതു വളരെക്കാലമായി നടന്നുവരുന്നതാണ്. വിശേഷിച്ചും അതിനു നിർബന്ധവുമുണ്ട്. നമ്പൂതിരിമാർ അവിഭക്തകുടുംബക്കാരാണ്. അതിനെ നിലനിൎത്തുവാനായി തറവാട്ടിലെ മൂത്തയാൾ സജാതീയവിവാഹവും ഇളമുറക്കാർ നായർസ്ത്രീകളുമായുള്ള വിജാതീയവിവാഹവും ചെയ്യുന്നുണ്ട്. ചില നായർകുടുംബങ്ങളിൽ നായന്മാൎക്കു വിവാഹം ചെയ്വാൻ പാടില്ലെന്നും ബ്രാഹ്മണൎക്കു മാത്രമെ പാടുള്ളുവെന്നും നിർബന്ധമുണ്ട്.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): ആ ഏൎപ്പാട് ഇപ്പോഴും നടപ്പിലുണ്ടോ?

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): അങ്ങനെ നിർബ്ബന്ധമുണ്ടായിരുന്നുവെന്നാണ് പറയുന്നത്. അതു് ഇപ്പോൾ ചിലർ ഭേദപ്പെടുത്തിത്തുടങ്ങീട്ടുണ്ടെന്നുമറിയാം.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): ഇപ്പോഴും സജാതിയിൽതന്നെ വിവാഹം ചെയ്തുവരുന്നതായി അറിഞ്ഞിട്ടുണ്ടോ?

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): ധാരാളമുണ്ട്. അങ്ങനെവേണമെന്നാണ് ഞങ്ങളുടേയും ആശ.

ഞങ്ങളുടെ വക ഒരു കാൺഫറൻസ് (യോഗക്ഷേമംസഭ) നടത്തുന്നുണ്ട്. അതിൽ ഇപ്പോൾ ഈ കൊല്ലത്തിൽ വിജാതീയവിവാഹം പാടില്ലെന്നും, സജാതീയവിവാഹം തന്നെ വേണമെന്നും, അഭിപ്രായം പാസാക്കീട്ടുണ്ട്. അതു് ഞങ്ങൾ ഒരു പതിനഞ്ചുകൊല്ലക്കാലമായി പറയുന്ന ഒരുസംഗതിയുമാണ്. അതിൽ അനേകം റെസല്യൂഷൺസ് പാസാക്കിട്ടും, അതിന്റെ അനൈക്യങ്ങളാലും മുൻനടപ്പു് ഇപ്പോൾ ബലപ്പെട്ടുപോയതുകൊണ്ടും ഇതേവരെ ശരിയായിനടപ്പിൽ വന്നിട്ടില്ല. അതുകൊണ്ടാണ് ഞാൻ കഴിഞ്ഞ ശ്രീമൂലം പ്രജാസഭയിൽ ഇതിന് ഒരുനിയമം വേണമെന്നു പറയാനിടയായതു്.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): ഈയിടെ തൃശ്ശിവപേരൂരിൽ വച്ചു് യോഗക്ഷേമസഭയുണ്ടായിരുന്നോ?

[Mr. Trivikramar Vasudevar.]

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*) :, ഉണ്ടായിരുന്നു.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): അങ്ങുതന്നെയാണോ അതിൽ പ്രസിഡൻറായിരുന്നതു്?

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): അതെ.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): നായർഭാൎയ്യയ്ക്കും കുട്ടികൾക്കും ഈ നിയമം പാടില്ലെന്നു് അവിടെ ആലോചിച്ചിട്ടുണ്ടോ?

MR. TRIVIKRAMAR VASUDEVER (*Jenmies*) : അങ്ങനെയൊന്നും ആലോചിച്ചിട്ടേയില്ല.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): ഇങ്ങനെ ഒരു നിയമം വരാൻ പോകുന്നുവെന്നു് എല്ലാപേൎക്കും അറിയാമോ?

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*): അതു് എല്ലാപേൎക്കും അറിയാമോ എന്നറിഞ്ഞുകൂടാ. എനിക്കറിയാം.

PRESIDENT: You are not speaking on the amendment.

MR. TRIVIKRAMAR VASUDEVAR (*Jenmies*) : മററുള്ളവരുടെ വാദപ്രതിവാദങ്ങളിൽ എനിക്കു പങ്കുകൊള്ളുവാൻ സാധിക്കയില്ല. എനിക്കു പറയാനുള്ളതു് പറഞ്ഞു കഴിഞ്ഞിട്ടു് ഞാൻ ആ ഭേദഗതിയോടു യോജിക്കുന്നു.

ഇപ്പോഴും ഈ വക നിർബന്ധങ്ങൾ എൻെറ സ്നേഹിതന്മാരായ നായന്മാരോടുതന്നെ—ഈ ബില്ലു കൊണ്ടുവന്ന ആളിനോടുതന്നെ—ഞാൻ ആവശ്യപ്പെട്ടിട്ടുണ്ടു്. നിങ്ങൾ ഇനി മേൽ നായരേതരന്മാരുടെ വിവാഹമേ പാടില്ലെന്നു നിർബന്ധിക്കുകയാണെങ്കിൽ അതിൽ ഒന്നാമതായി അനുകൂലിക്കുന്നതു് ഞാനായിരിക്കും എന്നു പറഞ്ഞിട്ടുണ്ടു്. അതു് നായർ സമുദായത്തിനെന്നല്ല ഞങ്ങളുടെ സമുദായത്തിനും ഒരു രക്ഷയാണു്. വിശേഷിച്ചും ഞങ്ങളുടെ സമുദായത്തിനു് അതു് വലുതായ ഒരു രക്ഷയാ

ണ്. ഞങ്ങളുടെ സമുദായത്തിന് ശാശ്വതമായിട്ടുള്ള സജാതീയവിവാഹം ന്യായവും അത്യാവശ്യവുമായിട്ടുള്ളതാണ്. അതില്ലാത്തതുകൊണ്ട് ഞങ്ങളുടെ ഇടയിൽ വളരെ സങ്കടം അനുഭവിക്കേണ്ടിവരുന്നു.

MR. G. PARAMESVARAN PILLAI *(Neyyattinkara)*: വിവാഹത്തെ സംബന്ധിച്ച് ഒരു വകുപ്പ് കൌൺസിലിൽ പാസ്സായപ്പോൾ ഇപ്രകാരം ഒരു ഭേദഗതി കൊണ്ടുവരാതിരിക്കുവാൻ വല്ല കാരണവുമുണ്ടോ?

MR. TRIVIKRAMAR VASUDEVAR *(Jenmies)*: അതിൽ ന്യായം കിട്ടുമെന്നു വിചാരിച്ചിരുന്നു. വാദിച്ചതുകൊണ്ടു പ്രയോജനമില്ലെന്നു ചില അവസരങ്ങളിൽ എനിക്കു തോന്നീട്ടുണ്ടായിരുന്നു.

വിജാതീയവിവാഹം പാടില്ലെന്നും അതിൽ അനേകം വകുപ്പുകളിൽ വിജാതീയവിവാഹം കാലക്രമേണ ഉണ്ടാകരുത് എന്നും കാണുന്നതിൽ എനിക്കു വളരെ സന്തോഷമുണ്ട്. നായരേതരനായ ഒരു പുരുഷൻ ഒരു നായർസ്ത്രീയെ വിവാഹം ചെയ്താൽ അയാളുടെ സ്വത്തു മുഴുവനുമൊ അല്ലെങ്കിൽ ഒന്നുപകുതിയൊ നായർസ്ത്രീക്കും മക്കൾക്കും ചേരണമെന്ന് ഈ ബില്ലിൻെറ ൨൨-ാമതു വകുപ്പിൽ പറഞ്ഞിരിക്കുന്നതിൽ ഞാൻ മുഴുവനും യോജിക്കുന്നില്ല. പക്ഷെ ഇത്ര പെട്ടെന്ന് എൻെറ സ്നേഹിതൻ മിസ്റ്റർ ററി. കെ. വേലുപ്പിള്ള പറഞ്ഞതുപോലെ മരുമക്കത്തായത്തിൽനിന്നും മക്കത്തായത്തിലേക്കു ചാടാൻഭാവിക്കുന്നതുപോലെ യാതൊരു വിചാരവും കൂടാതെ വളരെക്കാലമായുള്ള കീഴ്നടപ്പനുസരിച്ചു പരസ്പരവിവാഹം ഏർപ്പെട്ടിരിക്കുന്ന ഈ ഘട്ടത്തിൽ ഒരു നിയമംകൊണ്ട് അവകാശക്രമങ്ങളെ ചവിട്ടി അടിച്ചു മാററുന്ന കാര്യം അനീതിയായതുകൊണ്ട് എനിക്കു അതിൽ യോജിക്കാൻ തരമില്ലാത്തതാണ്. മിസ്റ്റർ. എൽ. ആർ. രാജരാജവർമ്മ കൊണ്ടുവന്നിട്ടുള്ള അമൻഡുമെൻറിൽ ഏതാനും വകുപ്പുകളിൽ ചില ഭാഗങ്ങളെ എതിർക്കയും, ബാക്കിയുള്ള ഭാഗങ്ങളെ അനുകൂലിക്കയും ചെയ്യുന്നു. നായരേതരനായ ഒരു പുരുഷൻെറ അവകാശി ഈ നിയമം പാസായിക്കഴിഞ്ഞാൽ, അതായത് നായർ സ്ത്രീയുമായി ബന്ധമുള്ള നായരേതരനായ ഒരു പുരുഷൻെറ അവകാശി "വേറെ ഞങ്ങളുടെ സമുദായത്തിൻെറ ചട്ടം ഏതു പ്രകാരമിരുന്നാലും" നായർ കുട്ടികളും നായർ ഭാര്യയുമായി തീരുമെന്നുള്ളതാണ്. ഈ നിയമം കൊണ്ടു സകല സമുദായത്തിൻേറയും ആചാ

[Mr. C. Sankara Menon.]

രങ്ങൾക്ക് മാററം വരുന്ന എന്നുള്ളതു കൊണ്ടാണ് ഞാൻ ൨൨-ാമതു വകുപ്പിനെ എതിക്കുന്നതു്. ഇങ്ങനെയുള്ള ഒരുനിയമം പെട്ടെന്ന് ഉണ്ടാക്കാൻ പാടില്ലെന്ന് ഞാൻ വളരെ താഴ്മയോടു കൂടി എന്റെ സ്നേഹിതന്മാരെ അറിയിക്കുന്നു.

സാമൂഹ്യമായിട്ടുള്ള സംബന്ധങ്ങളും മതസംബന്ധമായിട്ടുള്ള ആചാരങ്ങളും എന്റെ സ്നേഹിതൻ മിസ്റ്റർ പരമേശ്വരൻ പറഞ്ഞതു പോലെ ഇതിൽ അടങ്ങിട്ടുണ്ടു്. ഇങ്ങനെയുള്ള ഒരു നിയമം പാസ്സാക്കുന്ന അവസരത്തിൽ പെട്ടന്ന് ഒരു മെജാറിററിയെ ഉണ്ടാക്കുകയൊ, പരമ്പരയായിട്ടുള്ള ആചാരങ്ങളെ പെട്ടന്ന് മാററുകയൊ ചെയ്തുകളയരുതു്. കാലക്രമംകൊണ്ടു് മിസ്റ്റർ രാജരാജവൎമ്മാ പറഞ്ഞതു പോലെ ഈ നിയമം പാസായാലുണ്ടാകുന്ന നായരേതരന്മാരും നായർ സ്ത്രീകളുമായുള്ള വിവാഹത്തിൽ നായരേതരന്മാരുടെ മരണശേഷം വിനിയോഗിക്കാതിരിക്കുന്ന സ്വത്തിൽ നിന്നും ഈ കുട്ടികൾക്കും ഭാൎയ്യക്കും ചിലവിന് കൊടുക്കുക എന്നുള്ളതു്, (ഇപ്പോൾ ഇല്ലാത്തതാണ്), മതിയാകുന്നതാണ്. അങ്ങനെ പെട്ടന്ന് ഒരു അകൃത്യം ഉണ്ടാകുന്നുവെന്നു കാണുമ്പോൾ മേലാൽ വേറൊരു ഭേദഗതി കൊണ്ടുവരാവുന്നതുമാണല്ലോ. അങ്ങനെ പടിപ്പടിയായി കയററിക്കൊണ്ടു പോയാൽ നിങ്ങൾക്കും ഞങ്ങൾക്കും ശാശ്വതമായ ഒരുനില ഉണ്ടാകുന്നതാണ്. അതിനാൽ അതിലേയ്ക്കു മാത്രമായി ഞാൻ അദ്ദേഹത്തിന്റെ അമൻഡുമെൻറിനോടു് യോജിക്കുന്നു.

MR. C. SANKARA MENON (*Quilon*): I also oppose the amendment of Mr. Raja Raja Varma. The main ground that he urged was that the wife follows the laws of the husband and that inheritance must only arise by performance of the funeral ceremonies. By performance of the funeral ceremonies, at any rate, I am not aware that a marumakkathayee succeeds and gets any inheritance. I put the question to Mr. Raja Raja Varma as to whether he was aware of any such custom, whether it was the performance of the funeral ceremony that gives a right of inheritance. All that I can say is that it is new to me. So far as marumakkathayees are concerned, even when a person dies intestate leaving no heirs no one can perform his funeral ceremonies and claim his estate. The only person that immediately claims his estate is the Sirkar. Even when the last member wants to perpetuate his lineage by adopting a person to his family, he has to pay a very heavy fine to the Government for so doing. Therefore, so far as marumakkathayees are concerned, between the right of performing the funeral ceremony and the right of inheritance there is absolutely no

connection whatsoever. Now it has been urged that according to their custom non-Nayars are permitted to marry Nayar females and that this custom certainly has the sanction of ages. Non-Nayars who are permitted to marry Nayar females are either Nambudiri Brahmins or Tamil Brahmins and also Kshatriyas and others. So far as the Brahmins are concerned, no doubt they have a personal law of their own. But so far as Kshatriyas are concerned, I do not find, in the least, any difference between the personal law of the Kshatriyas who marry in the Nayar tarwads and that of the Nayars themselves, excepting the slight modification introduced by Regulation I of 1088.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): Will there not be a difference after the passing of this Regulation? Am I to suppose that he means to say that it is the same only before the passing of this Bill or that even after the passing of this Bill there will not be any difference between the law followed by the Kshatriyas and that followed by the Nayars?

MR. C. SANKARA MENON (*Quilon*): There is a slight difference even now under Regulation I of 1088. Now it is conceded that marriages between a non-Nayar and a Nayar have been legalised by Regulation I of 1088. Therefore, all that we now ask for, by Section 22, is that the incidents of a valid marriage should follow. One of the main incidents of a valid marriage is the right of succession and therefore all that we now ask for is to attach those incidents to the validity of the marriage between a non-Nayar and a Nayar. It was stated that it would be a little inroad into the personal law of the non-Nayars and that such an inroad ought not to be permitted by the legislature, and that there was no precedent for such inroad. With regard to this, if there is any inroad at all, I submit, it is inevitable on account of the fact that these non-Nayars have to marry in the Nayar family. It is inevitable on account of that circumstance. If they do not want to marry, then there need be no inroad into their personal law. Now, the inroad into the personal law is after all very little. What is now claimed is not a right to the family property of the non-Nayar, but only the right to the self-acquisition of the non-Nayar, so far as the marumakkathayam law or the Hindu Law of the Mitakshara Brahmins is concerned. Even under the Mitakshara Law, self-acquisition was absolutely unknown in the past, and the right of disposing of this self-acquired property and the right of the creditor to proceed against such property was recognised only in the well-known Sivaganga case. It is perhaps about forty or fifty years ago that the right of self-acquisition itself was recognised. Subsequent to that, when we passed the Wills Regulation, testamentary right was given to the acquirers. But that was only to the extent of one-half of the property. This was applicable both to Hindus and marumakkathayees.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is Mr. Sankara Menon aware that the Hindu Wills Regulation conferred a right on Hindus and did not take away any right?

[Mr. C. Sankara Menon.]

MR. C. SANKARA MENON (*Quilon*): Yes.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There is some difference between conferring a right and taking away a right that has already been conferred. That is to say, there was no right of disposing before, and the law conferred the right of disposing of one-half.

PRESIDENT: Inroad so far as the heirs are concerned.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There is no inroad as regards the heirs also.

PRESIDENT: Otherwise, they would inherit the whole property.

MR. C. SANKARA MENON (*Quilon*): The next inroad into the marumakkathayam law was when the right of the thavazhee to succeed to property was recognised by our High Court ruling. Therefore, gradually, the inroad into the personal law was being continued and we now ask only for a small change in the system. We do not want an absolute change of the system, and what we ask for is inevitable on account of the custom of these non-Nayars who want to marry Nayar females. There are also various other communities among whom a similar custom prevails. It was said that there was no such instance. Among the Mahomedans in Travancore there are those who follow makkathayam law and others who follow marumakkathayam law. If a Mahomedan following makkathayam law marries a woman who follows marumakkathayam law, the offspring succeeds to the father's estate, and under the marumakkathayam law they also get a share of the tarwad property. Similarly, among Ezhavas there are some who follow makkathayam, others who follow marumakkathayam, and still others who follow a mixed system. All these sections intermarry and they also follow the same principle as Mahomedans.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): May I know whether they do not belong to the same community—the Ezhavas and the Mahomedans he spoke off?

MR. C. SANKARA MENON (*Quilon*): In the case of Nayars also, it is a case of intermarriage.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Is it the opinion of Mr. Sankara Menon that Kshatriyas and Nayars are of the same community?

MR. C. SANKARA MENON (*Quilon*); I am not prepared to discuss that matter now. There is the custom that Kshatriyas are allowed to marry Nayar females. I only gave an instance where this custom is prevalent in other communities also. For the purpose of illustration I referred to two communities. There are various others

also. Therefore, this is not a novel thing that we are now asking for. On these grounds I oppose the amendment of Mr. Raja Raja Varma.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I move for a closure.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): I support the motion.

The motion for closure was then put to the vote of the House and carried.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Sir, the first objection to my amendment was raised by Mr. Govinda Menon, namely, that I was not consistent in having voted in regard to a previous Section and in proposing this amendment now. May I tell Mr. Govinda Menon that in that Clause I voted for the husband for the reason that whatever the wife has acquired must have been from the husband only? It is only natural that he must get it when his wife dies without any heirs. That is a small point and I do not want to dilate upon it.

Mr. Velu Pillai in his speech said that inheritance was claimed for the purpose of diginity and nothing else.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I must correct him. I did not say that inheritance was claimed solely for the purpose of dignity. What I said was, now that marriage is recognised to be dignified, inheritance must follow as a matter of course.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I thank him for the correction. I think that, whether marriage is dignified or undignified, the consequences follow in law. That inheritance is one of those items which make marriage dignified is very questionable. If so, all the marriages that now subsist between Nayars and non-Nayars and among Nayars themselves must be declared undignified; at least they have not got one essential of dignity.

Another argument was that I was coming in a circumlocutory manner and not facing the problem direct, and that I was advancing by a side-wind, as it were, to give some claim to the wife and children. I did it purposely. We have to prepare the community to come to that stage. The community must advance stage by stage and should not claim everything at one step. They must advance gradually, step by step. To begin with, I propose that, after the death of the husband, the property left undisposed shall be charged for the maintenance of the wife and children. Therefore I say I was not circumlocutory, I did it purposely. I wanted to go step by step and not all at once. Marriage is marriage under whatever conditions it might have been contracted, whether it is between Nayars and non-Nayars or among Nayars themselves.

[Mr. M. Raja Raja Varma.]

MR. A. HOOGEWERF (*Nominated*): May I know whether the marriage of a Brahmin with a Nayar woman is not looked upon as a mèsalliance by the Brahmin community?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): It may be a mêsalliance in the sense that it is not a religious duty but only a social contract. That was exactly what Mr. Vasudevar was telling us when he said that Brahmins must be made to marry within their own caste. But they have not been able to do so on account of long—established custom.

Mr. Nidiry also, although he sympathised with a portion of my proposition, said that he had to oppose it because of the question of dignity. The question of dignity was raised even by him. I think I have sufficiently answered the question of dignity so far as inheritance is concerned. That will practically reduce all subsisting marriages to a lower level. I think it is not the intention of this House to deprive the wife and children of subsisting marriages of the dignity they have at present. They must not be looked upon as secondary to marriages which may come later on, after the Regulation is passed.

Mr. P. K. Narayana Pillai laid a great deal of stress on the question of contract. He said it was a question of contractual relation. I base my proposition on the same point. There was no contract whatsoever in the subsisting marriages that there should be any sort of inheritance.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know whether there was any contract for maintenance being charged?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): That is a thing which I *now* concede. There was no contract even for that. Therefore, there is nothing improper in denying even that.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It is a matter of natural justice.

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): It may be natural justice if it is a question of maintenance during the man's life-time.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know if in the Kshatriya community itself it is not usual after the death of a wealthy man to divide the property between the widow and the children, on the one hand, and the marumakkathayam relations, on the other?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I have come across very few instances like that.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I point out the case of the revered Professor, the late Mr. A. R. Raja Raja Varma Koil Tampuran?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): That is a solitary instance.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I wish to know whether he does not view it as natural justice—that due provision should be made for the widow and the children of a non-Nayar husband or whether it is a mere concession?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): The question of natural justice I will come to.

With reference to Mr. Narayana Pillai's question of contract, I say that there was no contract of any kind—

MR. C. P. KOCHUKUNJU PILLAI (*Kottarakara* cum *Kunnatur*): May I know whether there was any contract as to inheritance between the Nayar wife and the Nayar husband?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Certainly not; in none of the marriages was there any such contract.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Are there not implied terms in the contract?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): You may make all implications as you will. They must be admitted by all. They are not always acceptable.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): May I know whether Mr. Raja Raja Varma is aware of the distinction between "penalty" and "liquidated damages"?

MR. M. RAJARAJA VARMA (*Devaswom Commissioner*): I am not a lawyer like Mr. Velu Pillai, and I cannot give the distinction between those terms now.

Mr. Narayana Pillai referred to the forest coupe contract and said that the community had no business to interfere with such contracts. If a man is prepared to give inheritance to his wife and children, by all means let him do it. I have not the slightest objection to that. But it is on question of general principle that I object to it.

MR. G. PARAMESVARAN PILLAI (*Neyyttinkara*): May I know the general principle that is referred to?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): I do not concede that in any marriage which has already been celebrated there is any express or implied contract that there is inheritance involved. The question of natural justice comes in only when a man has got the duty to maintain his wife and children. That is exactly what natural justice means. It does not mean that he should give away a portion or the whole of his property or whatever they want. So far as his property is concerned, the first charge on it probably may be the maintenance of the wife and children. That is natural justice. What is now claimed is more than natural justice. It is a new claim altogether.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask Mr. Raja Raja Varma for the sake of information what his attitude will be in regard to the inheritance by the widow and children of the self-acquisition of the husband in case a non-Nayar has married from his own community?

[Mr. M. Raja Raja Varma.]

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): When such a contingency arises, it will be time for me to give him the information.

As regards Mr. Sankara Menon's remarks relating to the Wills Regulation which he said was an inroad upon personal law, I differ from him because it only gave him a new right and did not take away any right which he already enjoyed. I do not think there are very many points that I have to mention in connection with the discussion in this particular matter. I only wish that the House will sympathise with me when I say that it is not exactly that I oppose the wife and children being given any portion of the property of the husband or the father. On the other hand, as I have already said in my first speech, the rule is more or less that the husband and the father do maintain the wife and children and give practically their all to them before death. He exhausts practically all his earnings by the time he goes to his death-bed, when, probably, only his sons attend on him, his nephews resenting what has already been given to the wife and children. As a matter of fact what I simply say is that even now the Nayar wife and children of a non-Nayar have a dignity given. She is respected as the wife. She has a status in society. There is nothing sentimental about it.

MR. A. HOOGEWERF (*Nominated*): Can the Nayar wife and children go into the Brahmin family?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Sometimes they do.

MR. A. HOOGEWERF (*Nominated*): I mean, *can* they live with the Brahmin family?

MR. M. RAJA RAJA VARMA (*Devaswom Commissioner*): Sometimes they do; but they are not allowed to take part in religious functions.

The legal justification for my position is that it shall not be possible for a law to change the long-established customs and manners of a community. It is not simply a question of devolution of property. We are simply taking the social customs and usages of a particular community. Therefore it is that I maintain that there should be no inheritance but only maintenance.

MR. A. HOOGEWERF (*Nominated*): I beg to know whether there is no harshness or injustice about it.

MR M. RAJA RAJA VARMA (*Devaswom Commissioner*): There is no harshness in the sense that the proposal in the Bill is an inroad upon the religious belief and personal law of the non-Nayars.

The amendment that the following be substituted for the existing Clause 22 was then put to the vote of the House and lost:—

"On the death of non-Nayar male leaving him surviving a Nayar widow or children or both, they shall have a claim for maintenance out of the self-acquired and separate property left undisposed of by him at his death, such maintenance being given to the widow only so long as she remains unmarried and to the children so long as they are minors."

The Council adjourned for lunch at 2-15 P. M. and reassembled at 3-15 P. M.

The following amendments were not moved:

MR. C. SANKARA MENON (*Quilon*): Delete the Clause and substitute the following:—

"On the death of a non-Nayar male leaving him surviving a Nayar widow or children or lineal descendant of deceased children or all, they shall, if the deceased has left a widow or lineal descendant of such children in his own caste, be entitled to one-half of the self-acquired and separate property left undisposed of by him at his death, and, if there are no such widow, children or lineal descendant of such children, the Nayar widow or children or lineal descendant of deceased children to the whole of such property."

MR. V. KUNJUKRISHNA PILLAI (*Chirayinkil*): Substitute the following for the existing Clause:—

"On the death of a non-Nayar male leaving him surviving a Nayar widow or children or the lineal descendants of deceased children or all, they shall be entitled to the whole of the self-acquired or separate property left undisposed of by him at his death, and if there is a caste-wife or her lineal descendants, the Nayar widow and children shall be entitled to equal shares with the caste-wife and her children according to their number."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, I beg to move the following amendment to the existing Clause 22:—

I move first that the existing Clause be deleted and the following substituted in its place. The amendment itself runs as follows:

"*On the death of a non-Nayar male leaving him surviving a Nayar widow or widows, Nayar children and lineal descendants of predeceased Nayar children, if any, they or such of them as are alive shall be entitled to the self-acquired and separate property left undisposed by the deceased as follows: that is to say—*

"(i) *If such non-Nayar leaves him surviving also any non-Nayar widow or widows, undivided non-Nayar children and lineal descendants of such predeceased children entitled to succeed to his estate under his personal law, the property of such non-Nayar shall be divided among all the widows—*"

Instead of "*all* the widows," I would put "his Nayar and non-Nayar widows," in the light of the discussion on the amendment of Mr. Hoogewerf. Barely to state male or female was found ambiguous in that amendment.

"*-children, and lineal descendants of predeceased children equally each of the widows being treated as equal to a child and the lineal descendants of each of the predeceased children taking the share which such child would have taken had it been alive.*

"*The share so ascertained shall be given to his Nayar widow, children and lineal descendants of predeceased children, if any.*"

PRESIDENT: Does that not follow as a matter of course?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is not obligatory, under my amendment, that the children left by the Brahmin widow should also divide. Of course it naturally follows.

[Rao Bahadur K. A. Krishna Aiyangar.]

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I would draw my friend's attention to the fact that the thavazhee has not got anything to do under the Hindu Law.

PRESIDENT: This Clause refers to the case of a non-Nayar who is a marumakkathayee.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Exactly.

"(ii) *If such non-Nayar has no such non-Nayar heirs but leaves him surviving his mother or members of her thavazhee entitled to succeed to his property under his personal law, the inheritance shall be divided equally among his Nayar heirs as mentioned above and his mother or her thavazhee as the case may be, the mother and, in her absence, her thavazhee taking a share equal to that of a child.*

"(iii) *In the absence of the non-Nayar heirs mentioned in Clauses (i) and (ii) the whole inheritance shall go to the Nayar heirs mentioned in this Section.*"

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): So, my friend moves the proposition in this form. I have got a technical objection to submit. The amendment is not in order. It is not an amendment at all. I am not at present talking on the merits of the amendment. I am merely saying that in the form in which it is placed before the Council it is not an amendment but the substitution of one Clause for another that was settled by the Select Committee. In such cases, the proper procedure would be to negative the Clause and discuss the merits of this Clause. It was only by an accident that my friends withdrew their amendments, and it was only by an accident that this amendment came up.

PRESIDENT: Mr. Raja Raja Varma's amendment was an exactly similar one.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): It may be, but it dealt with matters not comprised in the Clause settled by the Select Committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): We have discussed very many similar amendments.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I am only saying that, in the case of those amendments that have not been taken up strictly according to the Rules and Standing Orders, those difficulties need not be repeated. I am submitting a point for your ruling. I may read a portion from May's *Parliamentary Practice*.

"An amendment may not be proposed........................to leave out from the first word to the end of the Clause, in order to substitute other words, or to effect a re-drafting of the Clause—such amendments being in the nature of a new Clause. In such a case, the regular course is to negative the question, that the Clause stand part of the Bill, and to bring up a new Clause at the proper time."

Otherwise there are half a dozen substitutes appearing on the agenda. If by accident one member's amendment comes first and the House passes that, others are practically deprived of the chances of moving their amendments. In fact, the substantial portion of the substituted Clause, which tries to modify the Clause as settled by the Select Committee, may be incorporated in the Clause settled by the Select Committee, and that will be an amendment. Then nobody has got any grievance. Begin with the Clause as settled by the Select Committee; ask all those who have sent in their amendments to move them. I should not be understood as suggesting that all these amendments should be ruled out of order. My submission is that we can take up the Clause as settled by the Select Committee empowering all our friends who wish to move amendments to move them in the proper place, and then they should be discussed on their merits in the proper place.

PRESIDENT: Which is the proper place?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): There is a proposal by one of my friends that it should be one-fourth; the Clause settled by the Select Committee provides for one-half. The member may be permitted to move his amendment for converting it into one-fourth.

PRESIDENT: Then your objection relates to the order in which the amendments should be taken up and discussed.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): How are the amendments to be dealt with if we start with the Clauses as settled by the Select Committee? It is with reference to that that I make this submission. As a matter of practice and convenience, a course has to be adopted which would not deprive anyone of the privilege of moving his amendment. Because the Secretary or the ministerial staff that was responsible for drawing up the agenda put an amendment higher up, it should not lead to the undesirable consequences of one amendment being kept out altogether; for, when once the first amendment is carried by the Council others may not have any opportunity of moving an amendment with reference to what has been already adopted by the Council though they may have the privilege of moving provisos, explanations, exceptions and all the rest of it. In view of that, it appears to me that this is not the correct procedure. I raise it as a matter of order.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Sir, may I say something in defence? The passage quoted from May relates to the admissibility of an amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Let me correct him. It relates to the discussion in the Council itself. This is what it says: "In such a case the regular course is to negative the question that the Clause stand part of the Bill, and to bring up a new Clause at the proper time."

[President.]

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Does it not relate to the admissibility of the amendment itself? His main objection is with respect to the order of the amendments and how they should be discussed. With due deference to him, I would submit that he is pointing out a course which is absolutely profitless. If we are to begin by tinkering the existing Clauses submitted by the Select Committee, after exhausting all the tinkerings, no other amendment which goes to the root of the Clauses presented by the Select Committee could be discussed. What is the use of tinkering if ultimately it is entirely to be thrown to the winds?

PRESIDENT: Is that not inevitable?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is. I would suggest, if I am allowed to make a suggestion, that the Clause as submitted by the Select Committee is liable to be substituted by any other Clause in which case we may do without its amendment. Why should we undertake all the pains of improving the Clauses submitted by the Select Committee in case they are to be thrown out? Therefore I am submitting that my Clause which seeks to delete the present Clause and substitute this is a provision which calls for prior consideration.

PRESIDENT: We are dealing with amendments. The amendment mainly relates to the amendment of an existing Clause.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): It is an amendment of a radical character and if it is carried other amendments will not survive. And then the practice that we have been hitherto observing has been entirely in keeping with my request that I may be permitted to move this amendment.

PRESIDENT: Yes. We have been discussing and disposing of amendments which are substitutions for the Clauses in the Bill as submitted by the Select Committee. That is true.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Some of them were very violent and radical; for example, the amendments relating to monogamy and divorce have far-reaching consequences, so much so that the House has been practically switched off.

PRESIDENT: The result of adopting the course that you suggest would be that you will be compelling members who have proposed amendments to the Section as it stands to object to your amendment, which is of a radical nature, as you put it, on the ground that they are proposing other amendments. It is likely that, if your amendment is accepted, those amendments cannot be considered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): If they have got a following, my amendment will be voted out.

PRESIDENT: That is the understanding.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Am I once for all concluded from suggesting further amendments? As for that matter, is Mr. Subba Aiyar concluded from suggesting "substitute one-fourth for one half?"

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): He is at liberty to oppose me as keenly as he possibly can.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I do not want my friend to misunderstand me. I have not the slightest objection to adopting my friend's proposition as a starting Clause. Let us however make it possible for others who have sent in amendments to delete or substitute certain portions, to move those amendments to the Clause put forward by my friend. If the House proposes to consider all the issues involved in that Clause as a whole, I am prepared to agree for instance to certain portions. I am not prepared to vote upon certain other portions. If I am called upon to vote absolutely for the Clause or against it, I cannot say one way or the other. Therefore I say the proposition ought to be discussed and voted upon and proceeded with in regular order so that the difficulty that I anticipate of some amendments being thrown out would not arise at all.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I point out that the President has already allowed amendments to amendments being moved, so that the difficulty would not arise at all?

PRESIDENT: But this is an entire change; you want to substitute a new Clause altogether. You cannot move any amendment now.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the present instance I have been allowed to move the amendment by the President.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It is only when an objection is raised that the question of order comes up.

PRESIDENT: I am afraid we must put up with that disadvantage and proceed with the discussion of this amendment. Other members who have notified amendments will have to bring in their amendments to the Clause that is now moved.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): This is the amendment that I am proposing. The amendment has been necessitated by two or three considerations. In the first place, in the existing clause, that is, Clause 22, we have got an indefinite provision which is not clear to me.

PRESIDENT: It must also be remembered that, until the Clause is put after all the amendments have been voted upon, the Clause does not form part of the Bill, and hence I do not think that the moving of an amendment even contrary in a sense to what has been accepted by the House is ruled out subsequent to the passing of the earlier amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): 'On the death of a non-Nayar male leaving him surviving a Nayar widow or widows and

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non-Nayar heirs who are entitled to succeed to his estate according to the *law by which he is governed'* It is that expression that is very indefinite. For example in the case of a non-Nayar governed by the Hindu Mitakshara law he may have heirs to inherit his property beginning from his children down to *Samanodakas*. Therefore, what exactly is meant by 'undivided heirs' is not clear. Secondly, I raise the question, where is the justification for making a rough and ready division of the inheritance into half and half? It may be that to continue the instance of a Hindu co-parcener—he may have five or six children by his caste wife, and two or three by his Nayar wife. So long as the contention of the Nayar community is directed to the question that there must be equality among all the children, be they Nayars or non-Nayars, of any particular father, my own idea is that there must be an equitable division of the inheritance among all the children equally. No doubt there are difficulties in view of the peculiar nature of the *Mitakshara* law, which does not conform in all its aspects to the Hindu marumakkathayam law. In the case of a widow, under the Hindu *Mitakshara* system, co-existing with her children, the widow will not be entitled to any share but only to a right of maintenance. To meet that difficulty it is that I suggest, for the purpose of arriving at the share that may be due to a Nayar wife and to her children by a non-Nayar husband, leaving behind also a non-Nayar widow, the non-Nayar widow may be treated as equivalent to a child in dividing the inheritance. If on that basis the inheritance is divided, it is easy to arrive at the shares that will be due to a non-Nayar wife and her children and to a Nayar wife and her children. Taking that share, I submit that it will have to be allotted and given to the Nayar wife and children in the case of a Hindu co-parcener. There are also the instances of marumakkathayam non-Nayars marrying from the Nayar community. In their case also, their heirs, again, if the existing provision is to be adopted, would be practically an unlimited number of people. The mother, the people belonging to the mother's thavazhee, and in the absence of the mother's thavazhee, the grandmother's thavazhee,—in that way of ascendant series a number of persons may be called the heirs of a non-Nayar following the marumakkathayam system. To leave the present provision unexplained would be to accept knowingly a confounded situation. Therefore I provide in Clause (i) that primarily the mother is the main heir of a marumakkathayee. So long as she is alive we are prepared to concede a share in her favour. In her absence, her thavazhee may be shown that favour, but none else. For, the preponderant claim of one's wife and children must be recognised and they should not be subordinated to the rights of any other person, be he a makkathayee or a marumakkathayee. In the absence of the people enumerated by me in Clauses (i) and (ii), I submit that Clause (iii) must come into operation. That, I think, is a fair and equitable distribution of the estate of a non-Nayar, without rudely shaking the present system of his law of inheritance. In these circumstances, I would submit my amendment for the acceptance of the House.

Now I anticipate a number of difficulties, arguments and all manner of obstructions with respect to this amendment. In the first place, we have been listening, when Mr. Raja Raja Varma's amendment was being discussed, to the argument based on what is known as unduly interefering with the personal law of the non-Nayar concerned. Some people are prepared to put it as a retrospective operati n, or retro-active operation of a statute which is fundamentally opposed to all vested rights. These are the objections that I have heard; and I would place the matter, as I think it ought to be, for a clear perception by the House. The opposition that I have been listening to, and the opposition that I imagine would arise, I fear, arise out of a profound misconception of the proposition involved in the amendment. Those who say that the existing marriages must necessarily be excluded from the operation of this statute are labouring under a serious misconception. Why should they be excluded? As I submitted, when arguing on the amendment of Mr. Raja Raja Varma, this question has to be viewed, in spite of every other construction that may be put upon it, ultimately as a matter of agreement between two persons who want to live as man and wife. Mr. Raja Raja Varma raised the question—if that is only a question of agreement—why we should press for the right of inheritance in favour of the children. I say that is an implied term in the agreement except when inheritance by children is excluded by written agreement as in the case of morganatic marriages. When princely people marry humble people, some of them take good care to see that an agreement is entered into whereby the wife agrees that inheritance is not claimed by any issue to be begotten on her. It is there alone that I submit the exclusion is agreed to. If there is no such exclusion, as an implied term of all marriage contracts, the children must necessarily be entitled to succeed. Further, may I raise the question whether there is any fundamental disturbance created to the rights cf other persons in this particular provision? The main question that a legislature has to keep before its eye is that no vested rights should be disturbed by the enactment of any measure. In the present instance I would submit we are not disturbing, to any degree whatsoever, the vested rights of any person. In the present instance, any non-Nayar who has contracted a marriage with a Nayar female is at absolute and perfect liberty to utilise his self-acquisitions in any way he wants. Therefore in order that there shall be no complaints in this respect we have even taken care to remove the fetters on the testamentary power of non-Nayars. In the case of a Nayar girl marrying a non-Nayar husband it is entirely left to him to dispose of his earnings in any way he wants either by gift or deed of settlement. By any other method he may frustrate the right of his Nayar wife and children. Even after his death, there is the provision in the Wills Regulation which will enable him to dispose of his property in any way he likes. Such being the case, I would submit that there is absolutely no disturbance to the vested rights of any person. Where is the disturbance, I ask? What does it matter whether he contracted the marriage before, this Regulation or subsequent to this Regulation? He is the master of his own earnings. It is after his death that the question

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arises as to who should inherit the property left by him. Then I submit it is not his property. For, I think everybody would concede that the corpse, be it even of a Brahmin, cannot hold property. Thus only the expectactions of inheritance entertained by certain other members of any particular community would be affected. There, I say, it is a question of conflicting rights. Here is a person who leaves wife and children and also certain persons who would be hovering on the fringes of inheritance—distant cousins, and people of that sort. When a question of succession arises, I appeal to the sentiments of this House to tell me whether we should not view with justifiable favour the rights of the wife and children being placed much above the rights of any kindred or cousin. Therefore I am submitting that nothing like violence is done. What is after all the right of a person who expects to succeed to the property of another person? It is nothing but what is known as *spes successionis*. The property which he seeks to inherit may cease to exist before the death of the owner, or, if it exists, he may cease to exist before the inheritance opens. So much so, the legislatures in various parts of the world think that the mere expectancy of a particular person to succeed to the estate of another person is not even to be called property. If we refer to the Transfer of Property Act, and the general idea of real property gatherable from the English treatises on real property, we see that *spes successionis* as such is no property. What is going to be is pure *spes successionis* regarding property which deserves to be divided among the wife and children in view of their preponderant claims to such property. I may also draw the attention of this House to the fact that according to the best principles of liberalism as has been recently pointed out by the Economics Professor of the Edinburgh University, as I recollect in a lecture, an account of which was published in the *Hindu*, the acquirer of any particular property or wealth is at liberty to enjoy it till he dies. After his death, however, liberal principles are clear upon the question that it is not the concern of any person except the State to regulate the inheritance. If you are going to leave it to the discretion of the State to regulate the inheritance of such property, I submit, there the State has to take into consideration the interests of the wife and children as more weighty than the interests of a person possessing but a bare expectation. Viewed in that light also, I am urging an argument which it is very difficult for anybody to refute. Thirdly let us look into the course of legislation elsewhere. The concern of modern States in the welfare of the wife and children is so intense that certain States have been at the pains to validate marriages and so to resuscitate inheritance. For example, in Scotland, and also in France, if without marriage a man and a woman co-habit and children are born, and after the birth of these children if the parents marry duly, the law says—I have got the *Empire Digest* in my hands and it will clearly bear me out—that all the children that have been born before the wedlock will be able to inherit the property of the deceased father. If legislatures and law-givers are prepared to go to that extent,

that is to say, if when no marriage was contemplated by the parties and children unhappily came into existence, the whole situation can be altered by the father and the mother ultimately agreeing to go through a formal marriage, so that what has never been existing may at once be brought into existence and all the children would be legitimated and entitled to the property of the father who gave birth to them before marriage—

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Will my friend please state whether they are cases governed by different personal laws or the same personal law?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): In the case of an English woman married by a Scotchman, if the property happens to be in Scotland the law of legitimation would apply. But that is not the law in England. The law in France is exactly as I stated. Advanced States have taken into consideration the welfare of the wife and children to such an extent that they ride rough-shod over all manner of subordinate claims to inheritance. The peculiar situation of the English law is different. But, even in England, may I draw the attention of the House to the Married Women's Property Act of 1883. Till that year when that Act was passed married women were not entitled to hold property themselves. The husband was the only person entitled to hold the property of his wife until her death. The Married Women's Property Act was passed in 1882. It directed that, even with respect to existing marriages, acquisitions made by the wife from the date of the passing of that Act, would be entirely at her disposal and the husband was excluded from the control of such properties *in toto*. I am asking, whether any English husband put forward any complaints on that score and whether the complaints of our non-Nayar friends are to be listened to seriously. "Sir, I married this girl under the expectation that as long as the marriage subsisted I was entitled to hold her property. What is the meaning of the legislature interfering with what I am entitled to? This is my vested right which has been disturbed." That sort of argument no Englishman put forward. If any man had put forward such an argument that certainly would have been rejected summarily. I submit expectations of various kinds exist in the minds of persons. If we are going to turn our course of action paying attention to all these expectations, taking them as serious rights, and confounding expectations and rights, then the opponents of the measure we are now considering have got a good case. If, on the other hand, pure expectations being pure *spes successionis* – are not to weigh with us or with any person who knows anything about law and legislature, then I have got a strong case. We are only enacting a provision in regard to the rights of inheritance to the property left by a person at his death. Till then he is the master of his wealth. Nobody has got anything to do with it. It is left to him to do whatever he likes with it. Certainly some persons may have their mouth watering at the expectation of getting the property. Is there any cruelty in depriving them of such expectations in view of the nobler

[Mr. P. K. Narayana Pillai.]

idea of his wife and children inheriting the property, especially the latter, who are not in any way responsible for their coming into the would but for the activities of the deceased and the surviving widow? *(Laughter.)* Is this not more just, I ask? I am appealing to the noble sentiments of all the gentlemen present here to consider the question in that light instead of being swayed by feelings, as Mr. Nidiry put it. I require them to consider the question from a point of pure justice and righteousness, to consider the question on the merits of the claim that the wife and children have got to put forward in this case.

Sir, this question of providing for the inheritance of the children of a non-Nayar by a Nayar wife has been in the field of marumakkatayam law for the last twenty years. It was in the 20 T. L. R. Case that the matter came to a head and the observations of Mr. Justice Hunt, an Englishman who cannot certainly be twitted with the charge of having any leanings to one side or the other, are as follows:—

> "It is a notorious fact that there are a number of Brahmins in this country who enter into *Sambandhams* with Nayar women with the consent of the relatives of both parties accepting it as a lawful union and then, when convenient, deserting their Sudra wives and children, screening themselves behind their caste barriers in order to repudiate their responsibilities."

That was the pronouncement made nearly twenty years ago, and the community has taken clear note of the utterance of the learned Judge and has ever been trying to improve the situation. We have been trying on each occasion to introduce a system of inheritance from the non-Nayars. But in the reactionary alchemy of aristocratic influence and Brahminical blandishments, the attempts have hitherto been frustrated. The present attempt is to rectify a mistake that has already been committed. In the year 1088, when we provided for the validity of marriage in Regulation I of 1088, we had been practically tapping the source of a river and at once choking it up by not allowing it to flow. That is to say, the validity of the marriage has been allowed; all the same, people have strangely said that no inheritance shall be allowed either to the wife or children. That is why I say we were tapping the source of a river and at once choking it up so that it might not flow into the open country. That was the mistake committed in 1088. The attempt here is to rectify that mistake. Who can say, therefore, that he has been wheedled into a marriage with a Nayar female without knowing the situation? The agitation has been on foot. Everybody understood what was going on if, as a matter of fact, anything was going on. If it is going to be pointed out by non-Nayars that they never expected a law of this sort working to their prejudice, I say: "You knew the sort of agitation that was going on and you had no business to expect anything to the contrary." On the contrary, I say on behalf of the Nayar wife and children, that they expected one time or other that this mistake would be rectified. If expectations are to be justified why not allow them to take advantage of what was already done on their account or what is yet

to be done? It is not right to say that the gentlemen who have married Nayar females have done so without any knowledge of what was transpiring all around them. Then let me point out what the previous provisions accepted and carried by this Council are. Sir, in the matter of divorce when Mr. Govinda Menon's proposition came up, I thought it would never be seriously taken into consideration. But the learned members of this Council said, in the interests of the Nayar community, that his amendment should be carried. So, the extreme difficulties of divorce courts have been introduced into my community. That matter did not stop there. When we came up to the question of monogamy, Mr. Hoogewerf, Mr. Govinda Menon and others stood for it. Mr. Hoogewerf brought in a small amendment containing *one word*, which made the community a monogamous community!

MR. A. HOOGEWERF (*Nominated*): Hear, hear.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Thus the position reached is this. Then, so far as the prime supporters of the Bill are concerned, they are going to provide practically for individual partition. All this put together comes to this: Here is a woman who has to look exclusively to her husband and is solely charged with the welfare of her children who may happen to be born to non-Nayars as is usually the case in North Travancore and Central Travancore. Absolutely nothing is provided in the shape of inheritance and the woman is left to the chances of the good graces of the husband and the children to the tender mercies of their heterogeneous father. That, I beg to submit, ought to appeal to the sympathy of all those persons who were bent upon enacting monogamy, divorce, etc., and that ought to appeal to their sense of righteousness. Why should they not under these circumstances provide for a right of inheritance in favour of the Nayar wife and children? That is another aspect of the question.

So I am submitting on the whole that the cry with respect to the operation of the statute as disturbing vested rights is baseless and then the question of feelings—clothed in morbid sentimentalism is one which a man with a sense of justice cannot afford to listen to. Here are the wife and children left without any succour where the woman probably might have accepted such a marriage in absolute poverty and helplessness. Had the conditions of the Nayar community been allowed to continue, probably there would have been the shadow of a chance that women and children may be dependent upon distant members of the tarwads; they will be protected by the tarwads in some cases. So far as the members of the community are concerned, the husbands are bound to protect their wives and children. But when poor women are left scattered here and there, practically turned out as waifs and strays, no legislature can contemplate such undesirable situation with anything like composure. I am moving this amendment in all fairness. Children are children in all cases. It is a case of justice. Here is the case of the helpless woman absolutely unable to maintain herself, and poor children. Poor creatures! in their case I ask whether there is no drop of tear in the learned members of the Legislative Council so that the wife

[Mr. A. Hoogewerf.]

may be enabled to keep the wolf from the door without being turned on the streets. I say that I have conceded a good deal in favour of the non-Nayar husbands who may have their co-parcenery properties and corporate properties untouched.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Is the Nayars' tarwad property to be touched?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): What is the sort of property that these poor women may have?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vkil*): I mean the property of the Nayar male.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We can imagine the sort of tarwad property that they would be possessing, seeing they are compelled to contract marriages with persons who come from Tinnevelly, Coimbatore and so on.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Is that the answer to the question?

PRESIDENT: That is how he chooses to answer.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Leave it to me.

I am submitting that I have conceded a good deal in the matter of the inheritance of the widow and children from the non-Nayar. His non-Nayar widow and children have got a claim on their co-parcenery property which his Nayar wives are not in a position to claim. I only take into consideration the barest equity in regard to the inheritance of the Nayar children and widow; I only ask for a fair division. That is what I say. So far as fairness can go I think it is not possible to conceive of a fairer position. Under these circumstances, I am moving this proposition for the acceptance of the House.

MR. A. HOOGEWERF (*Nominated*): I have very great pleasure in seconding Mr. Narayana Pillai's amendment. I take my humble stand with my friend Mr. P. K. Narayana Pillai and plead only for justice and fair-play. In spite of all that may be said to the contrary, I feel confident that there must be rejoicing in most of the Nayar—and I would add, non-Nayar—homes in Travancore at the legislation that has been passed in this Council during the last few days. We have been singing the requiem of a free and easy divorce and polygamy. An attempt was made yesterday to allow polygamy in the case of non-Nayars; but the proposal met with such a storm of opposition that the mover gracefully bowed out of his rather false position. In effecting these changes this Council has done a great service to the communities concerned. Some of the members of the community may have some misgivings, but I feel confident that the future and even the present generation, particularly, the wife and children, will bless this House for effecting this salutary change. We are rising from the loose to the fast;

from the contractual and sensual to the spiritual aspect of the marital tie. No amendment should be passed by the House which tries to undo what we have already done. It will not be a logical sequence of the changes already effected. "He who puts his hand to the plough and looketh back is not worthy of the Kingdom of Heaven." We are moving forward and we must do so with courage and confidence. If the non-Nayar chooses to marry in the Nayar family he must abide by the customs and laws governing that community. Justice Hunt has most practically struck the key-note of the whole situation. If a custom or law did not exist at the time of marriage, it surely does not follow that no change can be effected subsequently. If this is to be a principle, there can be no progress in any community. The argument brought forward by our friends may also be brought by a Nayar with regard to the introduction of the makkathayam law. We have to begin somewhere. After all, Sir, is there any harshness or injustice in asking the husband and the father to provide for his wife and children? Mr. Raja Raja Varma, to whom I put a pointed question, had to admit the justice of the principle. The distribution of the assets of a deceased person is the function really belonging to the State to be performed according to justice and equity. If custom or law is against it, it must be altered. I cannot understand all that has been said about the performance of *Sraddham.* Why should not a Nayar son perform the *Sraddham* of the non-Nayar father? Will the spirit of the deceased father not be benefited by his prayers and offerings? Does not the Hindu Sastra enjoin that the son should do it?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Does Mr. Hoogewerf know anything about the Hindu Sastras? (*Laughter.*)

MR. A. HOOGEWERF (*Nominated*): Just enough to deal with this question. (*Laughter.*)

Does it anywhere say that a son of a Brahmin by a Nayar wife should not do it? What about the son of a Raja? Has he a son in his own caste to perform the *Sraddham?* A money value should not be put on the performance of religious rites. To avoid all these complications, let the non-Nayar keep to his own caste. But if he wants to marry in a Nayar family, he must treat his Nayar wife as he would do his caste wife. If his laws do not permit him to marry, as stated before, let him do away with child marriage and introduce widow marriage and also raise the age of marriage. That will solve the whole difficulty. The marriage of a non-Nayar with a Nayar is looked upon certainly as a mésalliance. We have been legislating to give the wife a proper place in the home. This sort of alliance cannot but conduce to lower her status. A marriage of convenience should no longer be tolerated. I beg to repeat that, if the non-Nayar is not prepared to admit his Nayar wife and children into his family, and give them their legitimate dues, a barbed wire fencing should be put round the community to prevent members of other communities trespassing upon it.

MR. L. R. RAJA RAJA VARMA KOIL TAMPURAN (*Edavakai*): I would oppose the amendment. Sir, the argument just put

[Mr. T. Lakshmana Pillai.]

forward by the learned mover of the amendment was based entirely on quotations from English law, the customs of Frenchmen and such people. I think that cannot be applied in the case of marumakkathayees. Those people cannot conceive of the marumakkathayam law or the relations between *marumakan* and his uncle or the karanavan. The quotations relating to the preference of children to other relations cannot hold good here. That is one of my objections.

Mr. Narayana Pillai ended by a strong appeal to all those present here, about the deplorable condition in which the Nayar ladies of non-Nayar husbands would be put to if the amendment was not carried. Though I cannot take the same view on the point, I submit that the non-Nayars also will be put to very great difficulty after the passing of this Bill. When we compare the conditions of both the communities and when we see that the Bill is enacted for the Nayars, the only question is, who should be prepared to take the risk and suffer a bit? One of the parties should suffer a bit. Who should that be? I think equity demands that the Nayar party must suffer a list. We are enacting this law for their good; therefore it is their turn to give way. Hence I oppose the amendment.

MR. T. LAKSHMANA PILLAI (*Nominated*): Sir, I would support the amendment and give my whole-hearted endorsement to the rateable distribution of the property suggested, provided the expenses for the funeral and other religious rites incidental to the death of the non-Nayar husband be made a first charge on the deceased's property. Any other arrangement or any provision less liberal would not be in keeping with the position of the Nayar lady as a wife, and would, in fact, be tantamount to pulling her down from her real status. I view the matter from the point of absolute or universal justice and equity. May I say that any scantier provision would not be in keeping with the dignity of the non-Nayar himself as a husband? All women at birth must be taken to be equal in status and therefore the taking of a woman to wife from whatever caste makes no difference in her right which must rest on the foundation of absolute justice. It matters little that a Nayar wife or her children are not able to partake of meals with the non-Nayar's community or to participate in the religious functions performed in relation to the non-Nayar. These are subsidiary matters having little to do with the main position of the Nayar woman as wife, and probably they are due to dietetic and other similar considerations. The mere fact of her having been his conjugal companion for life would entitle her to the highest status, *viz.*, that of a wife.

The circumstance that the funeral and other religious rites of the deceased have to be performed need not go so far as to reduce the share of the Nayar wife and children from one-half to one-fourth of the property.

I may say that, if some form of religious observance could be, as I think it may be, devised for the children of the Nayar widow to be performed independently of those performed by the children of the caste

wife, I do not see what valid objection could be taken to it by any authority, spiritual or temporal. After all, it is a mere question of offering prayers for the dead which each community may do in its own way. The necessity for the performance of religious rites should not be allowed to interfere, to any appreciable extent, with the not less sacred duty of providing adequately for the temporal wants of his Nayar widow and children. For these reasons, I am of opinion that the Nayar widow and children should be treated on a par with the caste widow and children in the matter of inheritance, after the expenses for the religious rites are duly provided for.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, I regret very much I have to oppose the amendment brought forward by Mr. Narayana Pillai. In so doing I may at first clear the ground of any doubt or suspicion that may exist. It is not my object not to allow any right of inheritance to the Nayar widow or children. When we are trying to improve the social condition of any particular community and to provide legislation for the purpose, it is our duty not to ignore the social conditions and customs existing in other communities, especially when a legislation for one community affects the other. That aspect of the question should be taken into consideration before we decide one way or the other.

Mr. Narayana Pillai was trying to quote precedents and other matters with reference to English cases where they are all of the same religion, and law and where the personal laws are alike. We may keep them out of consideration because we have to recognise the circumstances existing in Travancore and have to provide accordingly. I may in the first place, take the Nayar community itself. If the present legislation is intended to affect the Nayar community alone we may safely say that the general sense of the community is for a particular measure and allow it, leaving the minorities who dissent from it to get away from the legislation if they so choose. But it is not *that* that we are confronted with. There are some communities who have been brought into or enabled to come into marital relations with the Nayar community. Just as it is our duty and interest to see that the Nayar wife and children are provided for, it is equally our solemn duty to see that the personal rights of the other communities are not seriously infringed. When once we try to enlarge the rights of particular persons there *will* no doubt be some infringement of others' rights. But it is our duty to see that the fabric of social custom is retained. We should not deprive persons belonging to other communities of the rights that legitimately belong to them. In the first place let us take the Nayar Regulation into consideration. We did not say when the Nayar Regulation was first passed that the Nayar wife and children of a particular individual should be entitled to whatever right the Nayar male himself had in the tarwad. We were prepared to concede that the wife and children would be entitled to a certain amount—only a certain share—of the self-acquisitions of the deceased husband or father. There again, the safeguard was that one-half should go to the undivided marumakkathayam heirs and the other half to the wife and children of the deceased. When

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we began to discuss the provision with reference to intestate succession. Mr. Velu Pillai said that the existing state of affairs was perfectly satisfactory and that the Nayar wife and children should be entitled only to one-half of the deceased's estate. His view was supported by thirteen of the honorable members of this House. I state that only to show that even among the Nayar community it is not the general sense that the children should get *the whole* of the father's property. In the case of the other communities it will be in the knowledge of the House that there are some who can marry only from the Nayars and whose women can be married only by Brahmins. If it is only a case of a Nayar male marrying a Nayar female and of the Nayar children of that union, then we can say that, if a person does not get anything from his uncle, he may get something from his father. In other words the law is reciprocal. It binds the husband and the wife equally, and both of them are governed by the same law. It is not so here. Take the case of a Kshatriya who is governed by the Marumakkathayam Law. You provide that his Nayar wife and children should take the whole of his property under a certain set of circumstances. Kshatriya women could be married only by Brahmins who are not bound to pay them anything—who are not even bound to give them maintenance. In many cases the women are maintained by their own families and not by their husbands. That being the case, if all the earnings of the non-Nayar husband go to his Nayar wife and children—

MR. C. SANKARA MENON (*Quilon*): Not all his earnings.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will come to that. You provide only for the mother and the mother's thavazhee. I will not leave out any portion of the arguments unanswered.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): May I ask whether this Section affects the whole of the non-Nayar community or only individuals having relations with Nayar females?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): It relates only to individuals who enter into marital relations with Nayar women. So it is in the case of Nayar males. I do not know whether we can distinguish between individuals and communities. When marital relations are allowed only between communities and when individuals can be affected, I think the communities will also be affected. I do not think any serious argument can be advanced with respect to that. With respect to intestate succession among Nayars it is only those Nayars who marry in Malabar tarwads that will be affected by this law. What I say is that, in their case, if the whole of their earnings could be given away under certain circumstances, namely, in the absence of the mother or the mother's thavazhee, then the result would be that the other relations would not be allowed anything. The whole of the estate would go to the Nayar wife and children. That was not what was anticipated when the Nayar Regulation was passed. We did not say that, in the absence of the sisters and sisters' children alone, the wife and children

would be entitled to one-half of the property. We put it generally "undivided marumakkathayam heirs." If so, what necessity is there to restrict its scope now insofar as non-Nayars are concerned? It is not clear. While I am entirely in agreement with my friend to allow a definite share of the inheritance of the deceased non-Nayar's estate to his Nayar wife and children, I am not prepared to enlarge it in the case of Makkathayees in the absence of undivided children alone or in the case of marumakkathayees in the absence of the mother or her thavazhee alone. There may be cousins, there may be divided sons. By the proposed amendment we are entirely ignoring for the present that, so far as the personal law is concerned, there are certain religious obligations and duties to be performed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): May I know whether the duty of keeping the body and soul together is not more paramount?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Yes, I am not against allowing *any* share. I am for allowing a definite share. What I am saying is that you are concentrating all your attention on the status of the Nayar wife and children, ignoring altogether the personal law of others and not giving them any time to adjust themselves and reconcile themselves to the new situation. Straightway from marumakkathayam to makkathayam, as Mr. Velu Pillai put it, you are working out a revolutionary change in the social condition of non-Nayars who are particularly not makkathayees. The House owes a solemn duty and a very great duty to those who are in the minority and who cannot express themselves satisfactorily. The House should see that the vested rights and interests of others who are entitled to a share in the property are not seriously jeopardised. I have given notice of some amendments. I will try to move my amendments with a view to have them incorporated in Mr. Narayana Pillai's amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): That might be done now.

MR. V. SUBBA AIYAR (*Addtional Head Sirkar Vakil*): I am only making general observations.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): What are those vested rights that he spoke of?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I did not use the word 'vested' in the highly technical sense. Just as it is the obligatory duty of a male to protect his wife and children, it is his duty to protect other members of the family also. It was in that sense and not in any other sense which the law is cognizant of, that I used it.

I will take the case of a Brahmin who has a Nayar wife and children and also a caste son. If his caste son is divided from him—sometimes it so happens—and if the father dies, that son will not be entitled to the father's property though he is a caste son, though he may under the Hindu Law be the sole heir to the property. According to Mr. Narayana Pillai, the Nayar wife and children should take the whole of the property left by the non-Nayar. It will be conceded that it is the obligatory duty

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of the divided son to perform all the funeral rites and *sraddha.* I do not attach any value to the observations of Mr. Hoogewerf, who cannot know anything of Hindu Sastras, and who asked why these rites should not be performed by the Nayar children! That the caste son who is under an obligation to discharge these duties should not be allowed to have anything, and that the Nayar wife and children should have the whole of the property is, I may say with all deference to my friend Mr. Narayana Pillai and with all humility, rather too much for persons like myself to accept.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Are there not many members in non-Nayar families, particularly the junior members, who do not own property?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): May be so.

MR. N. PADMANABHA PILLAI (*Karunagapalli*): Then who would perform their *sraddha*?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the case of makkathayees, the sons are bound to perform the *sraddha.* If they do not, they will be ostracised from the community. It is obligatory upon them.

When we try to legislate we ought not to rake up these religious usages and rites; we ought not to interfere with the personal law of other communities; we must try to progress slowly and legislate along the line of least resistance, as Mr. K. Paramesvaran Pillai put it.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I ask Mr. Subba Aiyar what, according to him, would be a reasonable time when we can expect such provision being passed without any resistance?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Probably you may not be able to get the whole of it at any time. Unless you change by an edict that henceforward all the caste wives should be treated as Nayar wives, and that they should be governed by this law, I do not think there is ever any possibility of the Nayar wife and children getting the whole of the property. Whatever is reasonable—whatever will be considered reasonable for the maintenance of the wife and children—is allowed by the present Regulation. And even for a few months more until this Bill becomes law it will be considered enough. The present Bill says that one-half alone need be given. If that is so, I ask, why should we not try to proceed slowly and to the extent which will be acceptable to all communities, *viz.*, a definite share in the property, instead of amending the law to the effect that under certain circumstances the nearest personal heirs of the non-Nayar will not be entitled to any inheritance. In the case of certain non-Nayar wives, it will not be possible for them to inherit anything from their husbands or father. We have to take that seriously into consideration in the case of

the Kshatriya community. Their sisters and their nephews will not get anything from their husbands and their fathers. It is absolutely necessary to see that their interests are not jeopardised. Till the time their husbands also are compelled by law to pay something to their Kshatriya wives and children, we will not be justified—

MR. A. HOOGEWERF (*Nominated*): Why not we pass a law providing for registered marriages?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil* If a member brings forward a Bill for civil marriage law it will be time to consider the question of registry of marriages. Till then the present law will have to continue.

I have sent in a list of amendments and I think it will be better to put in my amendments into this Clause. I wish to move them now so that it may not be said when this Clause is passed that my amendments were not brought forward in time.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Unless my amendment is carried, is it possible to put forth his amendments?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): When I raised my technical objection I understood my friend to say that it would be possible to move amendments to his amendments.

PRESIDENT: Amendments have been moved to amendments and they have been discussed. Mr. Subba Aiyar may move his amendments.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I will try to bring in one after another my amendments with a view to bring them into conformity with what I consider to be the right thing. In the first place, in Mr. Narayana Pillai's amendment after the words "non-Nayar male" occurring in the first line, I will say: insert the words "contracting a marriage with a Nayar female after the commencement of this Regulation and."

PRESIDENT: So far you have been stating your objections to the words "undivided heirs."

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): We want to go on from line to line.

PRESIDENT: Yes; Mr. Subba Aiyar may move his amendments one after another.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Sir, the significance of my amendment is that the Clause should not apply to the existing marriages. In moving this amendment I am supported by the procedure in this Council itself.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): May I suggest to Mr. Subba Aiyar, if he wants to put this as an amendment, why not put it in the form of a proviso?

PRESIDENT: I do not think that there is any objection to the present form. It reads all right so far as I can see.

[Mr. V. Subba Aiyar.]

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): In the first place I rely upon the circumstance that we should try as far as possible not to give retrospective operation to the law. Mr. Narayana Pillai said the succession was going to open later on, after the passing of this Regulation. But that is not so. It is intended to apply to existing contracts of marriage. Much was said that inasmuch as the legality of the marriage was admitted the necessary consequences of such marriage should follow. I say whatever we may do with future marriages we should not interfere with existing marriages and impose an obligation upon the parties to such marriages, which was never contemplated and which was not intended to be given effect to. In this connection I may quote the opinions expressed by the marumakkathayam Committee. When the Committee took evidence it was thought that non-Nayars should also be inculded in the Bill; and to what extent their rights should be infringed or affected was also considered by the committee. The committee in their report gave a definite assurance, I would say, to the non-Nayars contracting such marriages. It is our duty to see that such pledges as were confirmed by Regulation I of 1088 are not in the least interfered with and that the promises given are not broken. My humble opinion is that there will be strictly speaking a breach of faith.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): May I ask whether the Council in which that Regulation was passed made any such assurance?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): I am coming to that. Sir, at page 13 of the Marumakkathayam Committee's Report, this is what is said:—

"The higher sub-divisions of Nayars (Kiriyam, Kaimal, Kartha) who are descendants of former chieftains and Sthanees and also many respectable Illam Nayars marry their ladies only to Brahmins (Nambudiries and Potties) the junior members of whose families consort only with Nayar females according to caste rules (anacharams) prescribed by Sankaracharya, though recently the Madras High Court has decided that junior members of Nambudiri Illams are not prohibited by law or customs from contracting valid marriages in their own community."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): How many members? Please state the number.

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): The number is not stated. I am only reading from the report:

"Even if such unions should be discouraged, as a few of the witnesses seemed to think, the great majority of the high-caste Nayars above alluded to are for retaining them even without inheritance of the husband's self-acquisitions by the children. Whatever may be the correct view on the question of desirability of such unions, the result of not giving legal recognition to them would be the bastardizing of numerous high-caste members of the Nayar community."

Even though inheritance was not thought of, it was understood that legalising the marriage was absolutely necessary in the interests of the Nayar community.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Is there not a dissentient view to the Majority Report?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): Mr. K. P. Padmanabha Menon was the one dissentient. I am reading from the Majority Report.

Later on, at page 31, they say:—

"With regard to the first contention, it must be noted that the power of Brahmins to dispose of their self-acquisitions as they like, exists only up to their death, but on their death their personal law comes into operation, and the giving away of the acquisition to persons not recognized by that law, is an interference with the personal law of the Brahmins. The second contention ignores the fact that the caste of the Kshatriya is as much a part of his personal law as his law of inheritance; and though he follows marumakkathayam the succession of a Nayar to his property will be as much an interference with his personal law as in the case of Nambudiries of Paiyanur Gramam who also follow marumakkathayam. To interfere with caste rules is to interfere with religion which the legislature has never assumed power to do. The utmost it can do is not to emphazise caste distinctions by preventing the fusion of castes in the process of social evolution. Such fusion, though in active operation now between subdivisions of the same Sudra caste, is as yet a far remote contingency as between that and the higher castes. It is true that Sambandhams do take place between males of these castes and Nayar females, and in the case of some Nayar families in the Quilon and the Kottayam divisions, Sambandhams are performed only by "Dwijas" (Brahmins or Kshatriyas), because they think it degrading to marry Sudras; and they never think of claiming any share of the properties of the Dwijas though such husbands do make provisions for their Nayar wives and children. The sanctity thus attached to a union of this sort has made it a necessity in many cases and Mr. Raman Pillai remarks that such Sambandhams are really not "invasions" but "invitations." We can offer only one of two alternatives to such families, *viz.*, either to give up such "invitations" and perform Sambandham with their own castemen which, we learn, is not impossible, or to be satisfied with the maintenance which we propose to allow in the case of such unions also."

So that, it is distinctly stated that in such cases where the marriage was legalised it was intended not to confer a right of inheritance. It was intended to confer only a right of maintenance. That was passed by Regulation I of 1088. I may draw the attention of the House to the fact that though it was distinctly said that, in the case of the Nayar male, the Nayar wife and children would be entitled to a definite share of the property, in the case of the non-Nayar husband no such thing was stated. No right of inheritance was intended to be bestowedupon the Nayar wife and children on the property of the non-Nayar and a right to get maintenance was considered enough. Thus, we find in the Maintenance Chapter that any husband, whether he is a Nayar or a Non-Nayar, was required to maintain his Nayar wife. When Mr. Govinda Menon asked me if there was anything in the Council Proceedings to denote that, I must answer him by saying that when a Council was prepared to accept and give effect to those provisions it was sufficiently clear that that report was taken into consideration and their suggestions were accepted.

MR. A. GOVINDA MENON (*Alangad* cum *Parur*): Were all the views expressed by the committee given effect to by the Council?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*): We are only at this point. It is perfectly irrelevant for our purpose to consider whether all the views were given effect to. The views of the

[Mr. V. Subba Aiyar.]

committee on this point were accepted by the Council. Mr. Govinda Menon's question only strengthens my argument. The Council did not blindly adopt the proposals of the committee. Whatever provisions were necessary were accepted and whatever were not necessary were rejected. As this provision was found necessary, it was incorporated in the Regulation. So that, there was a distinct assurance given. What I wish to impress upon the House is that the Nayar wife and children are under the present conditions not entitled to inheritance. But, as a matter of fact, many a non-Nayar husband has given property to the non-Nayar wife and children.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : How many? Has he got statistics on the subject ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : There are many. I know personally there are many. Those who were willing to give have given. All that I ask is whether you are prepared to take into consideration all such instances. All these marriages were contracted on the distinct belief that the wife and children were not entitled to any inheritance after the death of the husband. Therefore, there is absolutely no impropriety, no injustice and no inconsistency whatsoever in making the law applicable to future marriages. In the face of the report of the Marumakkathayam Committee, and the law that has been passed according to their suggestions, I beg to say that there is nothing implied which would mean that the Nayar wife and children shall get a share of the property. If we pass the law and it comes into force when the Bill receives His Highness the Maha Raja's assent, any person who enters into marital union will have to do so with open eyes, and the whole of his self-acquisition should go to the Nayar wife and children if we so provide, as he has contracted the marriage knowing what the law is. But on the other hand, after having given that assurance to his personal heirs, who could expect, and who have been made to believe that they can expect something from their Karnavan, brother or uncle or whomsoever that may be—I say it will be cruel to deprive them of what they expect. There are very many Kshatriya females who can marry only Brahmins—and very poor Brahmins too. The husbands are brought and maintained by the wives. What are we to do with such women and their children if the whole of the self-acquisition of the male member of the family is to go to his Nayar wife and children ? We know as a matter of fact that many families are very very poor indeed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*) : Have not many families pensions from the Government ?

MR. V. SUBBA AIYAR (*Additional Head Sirkar Vakil*) : I dare say they may have. I have not travelled very far from Quilon, and Mr. Narayana Pillai, belonging to Central Travancore, must have known many pensioners and their condition—and their deplorable condition now. It may not be possible for them to give anything to their sisters

and their children if the amendment is passed. The male members may get educated from the tarwad funds as Mr. Velu Pillai put it, and if, in such cases, occasionally, one man acquires property, to say that the whole of that property should go to the Nayar wife without leaving anything to the other relations of the acquirer, though the other relations according to custom are bound to offer funeral rites and oblations, and when in their turn they are not in a position to expect anything from their father—I say it will be an injustice to those communities concerned. We are not to be guided by the fact that they are in the minority. It is our obligatory duty to look after the interests of the minority communities whose voices cannot be heard in this Council. In the case of the Nayar wife and children, where the husband is also a Nayar, if the nephews do not inherit anything from their uncle, they may get something from their father. But I ask, are you making any provision with regard to Kshatriya women and their nephews who are not Nayars and who do not inherit from their father but only from their uncle? Therefore, Sir, justice, equity, reasonableness, and I may say, consistency, require that we should make the law so as not to affect existing marriages but only those marriages contracted after this Regulation comes into force. With these words I beg to move my amendment.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): Sir, I second the amendment. I am afraid I may take up some time to finish my speech. There is no chance of our finishing the discussion to-day. I want, if the session is to be adjourned now, to save the right of having my speech in seconding the amendment at the adjourned sitting. I submit this lest at the adjourned sitting it should be said that I have already spoken and that therefore I am not entitled to speak on the amendment. I place myself unreservedly at the hands of the Chair. If I am called upon to continue the discussion I am willing to do so.

PRESIDENT: I do not see any chance of this amendment being disposed of to-day. I am sure many members will have to speak.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I can very well anticipate it from the fire and fury—

PRESIDENT: We will stop now.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*): I take it, Sir, that I have not lost my right of speech.

PRESIDENT: You may second the amendment afterwards.

RAO BAHADUR K. V. RANGASWAMI AIYANGAR (*Ag. Principal, Training College*): Somebody else who does not want to speak on it may second the amendment.

PRESIDENT: Mr. Krishna Aiyangar will second it again and eak when the Council next meets.

[President.]

Before we disperse, I have to make a statement to the Council in regard to a representation * made by some of the members of the Council that there is some difference between the preliminary and the final editions of the report of the proceedings of the Council, dated the 10th August, 1923, as to what took place between Mr. K. V. Rangaswami Aiyangar and the late Mr. K. P. Raman Pillai and that what is contained in the preliminary edition should be restored. The preliminary edition is based upon the short-hand notes taken by the official reporters. As the members are well aware, the reporting here cannot be said to have attained any degree of perfection. With a view, therefore, to enable the members to see whether the reporting is correct and to make corrections where they consider necessary, the preliminary edition is sent to them. Not infrequently, the members make corrections and edit their speeches. The preliminary edition cannot, therefore, in the existing state of affairs, be regarded as authoritative.

The letter to which reference has been made at the beginning refers to the difference between the preliminary and the final editions in the reports of the speeches of Messrs. K. P. Raman Pillai and K. V. Rangaswami Aiyangar. The revision of his speech made by Mr. K. V. Rangaswami Aiyangar has to be accepted, just as it has been done in the case of revisions made by other members. In the situation created by Mr. Raman Pillai's lamented death, which prevented the report of his speech receiving the benefit of his editing, it became necessary to edit that speech to prevent its being inconsequential. It is unfortunate that there should be a difference of opinion as to what exactly was said by Mr. Raman Pillai, but in view of the fact that the final edition has been issued, it is neither desirable nor feasible to enquire as to what exactly were the words used by Mr. Raman Pillai, and it will, I think, be conceded that any such attempt in that direction will be beset with difficulties and will set up an undesirable precedent. There does not seem to be any precedent anywhere for interfering with the proceedings after they are finally published (except of course in the case of printer's mistakes). The only thing that could be done in these circumstances is to incorporate the representation of the members and this reply of mine in the proceedings of the Council.

This session of the Council is prorogued. I need not remind the House that all motions and interpellations now outstanding will lapse.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): May I know if the amendments to the Bill also lapse?

PRESIDENT: Of course, the amendments will lapse excepting those that are now under discussion. Therefore fresh notice will have to be given of further amendments.

The Council was prorogued at 5 P. M.

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* *Vide* appendix, IX—page 1273.

Appendix IX.

REPRESENTATION MADE BY SOME MEMBERS OF THE COUNCIL IN *re* DIFFERENCE BETWEEN THE PRELIMINARY AND THE FINAL EDITIONS OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL DATED 10TH AUGUST 1923.

Trivandrum,
2nd November, 1923.

To

The President,
The Legislative Council.

SIR,

We find published in the Travancore Legislative Council Proceedings, Vol III, No. 8, a version of the unfortunate incident between Messrs. K. P. Raman Pillai and K. V. Rangaswami Aiyangar, different from the one published in the preliminary edition of the proceedings. As far as we remember the incident was correctly reported in the preliminary edition. We may mention one or two instances in which the final report substantially varies from the preliminary report. While Mr. Rangaswami Aiyangar wanted himself to be called "Rangaswami" as reported in the preliminary edition, the final edition says that he wanted himself to be referred to as "Mr. Rangaswami Aiyangar" and that he stated that, if that word was too long, Mr. Madhava Variar could call him "Rangaswami." Another instance is the statement in the final edition that Mr. Raman Pillai said that he would persist in calling him "Mr. Rangaswami." He did nothing of the kind as can be seen from the preliminary edition. In these cases we are sure that the final report is incorrect. We feel it our duty therefore to request you to restore the correct version and thus give a faithful representation of what occurred in the Council between these two gentlemen.

We beg to remain,
Sir,
Your most obedient servants.

1. M. R. Madhava Variar,
2. A. Govinda Menon,
3. A. Hoogewerf,
4. M. N. Pillai,
5. P. K. Narayana Pillai,
6. T. Kumara Pillai,
7. K. Paramesvaran Pillai,
8. N. Ramakrishna Pillai,
9. T. Lakshmana Pillai,
10. K. C. Mammen Mappilli,
11. C. P. Kochukunju Pillai,
12. G. Paramesvaran Pillai,
13. C. Ramankunju,
14. N. Padmanabha Pillai.

S. PARAMESVARA AIYAR,
Secretary to the Legislative Council.

acc: 25596

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